











THE  
Confederate Records

OF THE  
STATE OF GEORGIA

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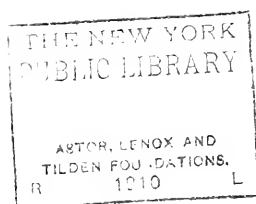
VOLUME III.

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OFFICIAL CORRESPONDENCE OF  
GOVERNOR JOSEPH E. BROWN,  
1860-1865, Inclusive.

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GEORGIA,  
November 24th, 1860.

HON. JOHN B. FLOYD,

*Secretary of War, Washington, D. C.:*

SIR: Being desirous of having manufactured in Georgia a supply for the State of certain military equipments, I am compelled again to trespass upon your kindness to ask of you the favor to help me in some way—by sale or cause to be advanced to our State as a part of Georgia's quota of arms, etc., for the coming year—two sample sets of each of the following equipments, viz:

First. Equipment for riflemen, consisting of knapsack, cartridge box, and belt, complete.

Second. Equipments for infantry, complete.

Third. Saber equipment, complete, including pouch for Colt revolvers. All of the latest and most approved styles and patterns adopted by the U. S. Army.

I dislike to trouble you with this small matter, but really I know of no other method of obtaining, with certainty as to kind, etc., samples or patterns of the equipments desired. I would prefer to purchase the articles to obtaining them otherwise, if I knew where they could be obtained. Be pleased to cause the sample sets, two

of each, furnished me, in some way least troublesome to yourself, of the said equipments, and you will lay me under renewed obligations for your kindness.

I am, very sincerely, your obedient servant,

JOSEPH E. BROWN.

[First indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,

December 1st, 1860.

I respectfully report to the Secretary of War that such of the military equipments asked for as belong to this department can be furnished without inconvenience, viz: Two knapsacks, \$5.56; two haversacks, 78 cents; and two canteens and straps, 92 cents.

J. E. JOHNSTON,

Quartermaster-General.

[Second indorsement.]

ORDNANCE OFFICE,

December 1st, 1860.

Respectfully returned with the report that the State of Georgia, having drawn her full quota, including that for 1861, cannot obtain the accoutrements by issue, on that account, from the Government supply, nor can such articles as are wanted be sold by the Government.

There will be no difficulty, however, in Governor Brown's obtaining them, if he will write to Maj. W. A. Thornton, U. S. Arsenal, New York, and request him to

purchase for the State two sets of infantry accoutrements, complete, two saber-belts and plates, complete; two saber-knots, two holster pouches for Colt belt pistols; all of the latest U. S. Army patterns.

I doubt not that Major Thornton will make the purchase for the Governor with pleasure.

WM. MAYNADIER,  
Captain of Ordnance.

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WAR DEPARTMENT,  
WASHINGTON,  
December 18, 1860.

His Excellency JOSEPH E. BROWN,  
*Governor of Georgia,*  
Milledgeville.

SIR: In answer to your letter of the 24th ultimo, I have the honor to state that the following samples of accoutrements can be furnished to you by the United States on payment of their cost price, as annexed viz: Two knapsacks, \$5.06; two haversacks, 78 cents; two canteens, with straps, 92 cents. Total, \$7.26.

You can obtain the remaining equipments desired by addressing Maj. W. A. Thornton, U. S. Arsenal, New York, and requesting their purchase, describing them as follows: Two sets of infantry accoutrements, complete; two saber-belts and plates, complete; two saber-knots; two holsters (pouches) for Colt belt pistols; all

of the latest U. S. Army pattern. I have no doubt Major Thornton will take pleasure in attending to the matter.

Very respectfully, your obedient servant,

JOHN B. FLOYD,

Secretary of War.

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PULASKI HOUSE,

January 3, 1861.

JOHN BROWN, Esq.,

*Collector of the Port of Savannah:*

SIR: The revenue-cutter J. C. Dobbin, which was seized by some unauthorized person or persons unknown to me, has, under the order given to me by Col. Lawton, now in command of Fort Pulaski, to protect government property against injury, been recaptured, and is now aground near Fort Pulaski. You will please send a revenue boat and take her into custody to-night, and I will have her hauled off to-morrow morning and delivered to you at such place as you may designate. I much regret the lawless seizure of the vessel, and beg leave to assure you that I shall from time to time give such orders as will protect the custom-house and other property belonging to the Federal Government till the action of this State is determined by the convention of her people.

Very respectfully, etc.,

JOSEPH E. BROWN.



CUSTOM-HOUSE, COLLECTOR'S OFFICE, ETC.,

January 3, 1861.

His Excellency GOVERNOR JOSEPH E. BROWN,

Pulaski House.

SIR: Capt. John Screven has this moment handed me your note of this date in relation to the recapture of the revenue cutter J. C. Dobbin, in reply to which I beg, in the name of the Federal Government, to thank you, and further to state that I received a letter from the Hon. Phillip F. Thomas, Secretary of the Treasury, some fifteen days ago, requesting me to direct the captain of said cutter to sail for Baltimore as soon as convenient, and on his arrival to report the same to him (the Secretary of the Treasury) in writing, and await his orders, and that, in obedience to said instructions, the cutter was ordered on Saturday last prepared for sea, but was detained by unfavorable winds until last night, when she was taken possession of by parties unknown to me. Under these circumstances, I must ask the favor of you to direct those in charge to allow her to proceed to sea, in compliance with instructions from this office.

I have the honor to remain, your obedient servant,

JOHN BOSTON,

Collector.

PULASKI HOUSE,  
January 3, 1861.

JOHN BOSTON,  
*Collector, etc.*

SIR: Your note in reply to my communication of this evening is received, and I have ordered the delivery of the J. C. Dobbin to her captain with permission to proceed to sea, as you have requested,

Very respectfully &c.,

JOSEPH E. BROWN.

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MILLEDGEVILLE, GA.,  
January 3, 1861.

HIS EXCELLENCY GOVERNOR JOSEPH E. BROWN,  
*Governor of the State of Georgia.*

SIR: I beg leave to hand you herewith a commission from His Excellency Andrew B. Moore, Governor of the sovereign State of Alabama, and attested by the great seal of the State, under date of December 21, 1860, by which I have the honor to be constituted and appointed a commissioner to the sovereign State of Georgia, with authority to consult and advise with Your Excellency as to what is best to be done to protect the rights, interests, and honor of the slave-holding States. No duty more agreeable to my feelings could have been

laid upon me at this trying hour in the history of our country than that of a delegate from Alabama, the beloved State of my adoption, to Georgia, the beloved and honored State of my nativity. The unnatural warfare which, in violation of the Federal compact and for a long series of years, has been unceasingly waged by the anti-slavery States upon the institutions, rights, and domestic tranquility of the slave-holding States, has finally culminated in the election of an open and avowed enemy to our section of the Union; and the great and powerful party who have produced this result calmly awaits the 4th day of March next, when, under the forms of the Constitution and the laws, they will usurp the machinery of the Federal Government and madly attempt to rule, if not to subjugate and ruin the South. In anticipation of such a contingency and in advance of any of her sister States the General Assembly of Alabama on the 24th day of February, 1860, solemnly declared that:

To permit a seizure of the Federal Government by those whose unmistakable aim is to pervert its whole machinery to the destruction of a portion of its members would be an act of suicidal folly and madness almost without parallel in history; and that the General Assembly of Alabama, representing a people loyally devoted to the Union of the Constitution, but scorning the Union which fanaticism would erect upon its ruins, deem it their solemn duty to provide in advance the means by which they may escape such peril and dishonor, and devise new securities for perpetuating the blessings of liberty to themselves and their posterity.

In stern pursuance of this purpose the General Assembly adopted, among others, the following resolution:

That upon the happening of the contingency contemplated in the foregoing preamble, namely, the election of a President advocating the principles and action of the party in the Northern States calling itself the Republican party, it shall be the duty of the Governor, and he is required forthwith, to issue his proclamation calling upon the qualified voters of this State to assemble on a Monday not more than forty days after the date of said proclamation, at the usual places of voting in their respective counties, and elect delegates to a convention of the State, to consider, determine, and do whatever, in the opinion of said convention, the rights, interests, and honor of the State of Alabama require to be done for their protection.

And the same General Assembly, on the 25th day of February, 1860, in response to resolutions received from the State of South Carolina, inviting a conference of the Southern States, adopted these additional resolutions:

1. *Resolved*, That the State of Alabama, fully concurring with the State of South Carolina in affirming the right of any State to secede from the confederacy, whenever, in her own judgment, such a step is demanded by the honor, interests, and safety of her people, is not unmindful of the fact that the assaults upon the institution of slavery and upon the rights and equality of the Southern States, unceasingly continued with increasing violence and in new and more alarming forms, may constrain her to a reluctant but early exercise of that invaluable right.

2. *Be it further resolved*, That in the absence of any

preparation for a systematic co-operation of the Southern States, in resisting the aggressions of her enemies, Alabama, acting for herself, has solemnly declared that under no circumstances will she submit to the foul domination of a sectional Northern party; has provided for the call of a convention in the event of the triumph of such a faction in the approaching presidential election, and, to maintain the position thus deliberately assumed, has appropriated the sum of \$200,000 for the military contingencies which such a course may involve.

3. *Be it further resolved*, That the State of Alabama, having endeavored to prepare for the exigencies of the future, has not deemed it necessary to propose a meeting of deputies from the slave-holding States, but, anxiously desiring their co-operation in a struggle which perils all they hold most dear, hereby pledges herself to a cordial participation in any and every effort which, in her judgment, will protect the common safety, advance the common interest, and serve the common cause.

In obedience to the instructions of the General Assembly, and in accordance with his own loyal heart and manly purpose, His Excellency, Andrew B. Moore, Governor of Alabama, ordered an election of delegates by the people on the 24th day of December last. These delegates, 100 in number, will assemble in convention at Montgomery on Monday next, the 7th instant, and there and then will speak the sovereign voice of Alabama. There may be found an honest difference of opinion and judgment as to the time and mode of secession from the Federal Union, whether the State shall move at once, for herself and by herself, or await the action and co-operation of Georgia and adjoining sister States who

have with her a common interest, but that the convention will fully maintain the high and patriotic resolves of the General Assembly, and thus proudly vindicate the rights and honor of Alabama, I do not for a moment entertain the shadow of a doubt. Events now transpiring must, at an early date, unite all loyal sons of the South in the defense of the South. We should make haste to be ready for the conflict which is well nigh upon us. "Delay is dangerous; hesitation, weakness; opposition, treason." We honor the gallant State of South Carolina, which accidental and fortuitious circumstances have placed in front of the battle, and Alabama will stand by and make common cause with her and every other State which shall assert her independence of an abolitionized Government. Alabama sends greetings to her mother, glorious old Georgia, the Empire State of the South, one of the immortal thirteen which suffered and endured and triumphed in the Revolution of 1776, and Alabama invokes her counsel and advice, her encouragement and co-operation. Having similar institutions, kindred sympathies, and honor alike imperiled, will not Georgia unite with Alabama and sister States in throwing off the insolent despotism of the North, and in the establishment of a Southern confederacy, a government of homogeneous people which shall endure through all coming time, the proudest and grandest monument on the face of the earth? I shall proceed hence to the capital of Alabama to report the result of my interview with Your Excellency to the Governor of Alabama in time for him to lay the same before the convention on Monday next; and I shall feel grateful for the honor of being made the me-

dium of bearing any communication which Your Excellency may be pleased to make.

With consideration, I am,

Your Excellency's obedient servant,

JNO. GILL SHORTER.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

January 5, 1861.

HON. JOHN GILL SHORTER,

*Commissioner of the State of Alabama.*

DEAR SIR: On my return from Savannah this day, I find your communication accompanying your commission from His Excellency the Governor of Alabama, which you did me the honor to send by express, but which was not received till after I had the pleasure of a private interview with you. The gallant and noble stand taken by your State in the passage of the resolutions recited in your communication for the protection of the rights and the vindication of the honor of the State of Alabama and the other Southern States, excited the just admiration of all her Southern sisters. Alabama, in common with the other pro-slavery States, had long endured the injustice and insults of the Black Republican party of the North. That party is now triumphant and is about to seize the reins of the Federal Government. To this the States of the South can never submit without

degradation and ultimate ruin. While Georgia may be said to be the mother of Alabama, she is proud of the noble conduct of her daughter and will not claim to lead, but will be content to follow in the path of glory in which her off-spring leads. We feel well assured that your State will not be intimidated nor driven from her high position. While many of our most patriotic and intelligent citizens in both States have doubted the propriety of immediate secession, I feel quite confident that recent developments have dispelled those doubts from the minds of most men who have, till within the last few days, honestly entertained them.

Longer continuance in a union with those who use the Government only as an engine of oppression and injustice cannot, it seems to me, be desired by any party in the Southern States. Conciliation and harmony among ourselves are of the most vital importance. Let us, if we have differed in the past, meet each other with just forbearance, and the path of duty will, I trust, be plain to all. The Federal Government denies the right of a sovereign State to secede from the Union, while it refuses to make any concessions or to give any guarantee which will secure our rights in future. If we yield this right we become the subjects and the pro-slavery States, the provinces of a great centralized empire, consolidated and maintained by military force. The sovereign State of South Carolina has resumed the powers delegated by her to the Federal Government on account of the violation of the compact by the other contracting parties. Her right to declare herself independent is denied, and military coercion is boldly threatened. Shall we yield the right of secession and see her whipped back



into the Union? Never! Since she seceded her course has been moderate and dignified. She did not occupy the most impregnable fort in her harbor, which she could have seized without the loss of a single man, because she had pledged her faith not to do so, in consideration that the Government at Washington would make no change in the military status of the forts, but would permit all to remain as it was at the time she seceded. She kept her faith. What was the conduct of the Federal Government? Its agent who commanded Fort Moultrie violated the pledge given by his Government. The Government disavows his conduct, but refuses to keep its faith by remanding him to his original position. The result will probably be the loss of much of the best blood in South Carolina before the fort can be taken. In my opinion, other Southern States should not be deceived by trusting to such a government in future.

In view of the threats of coercion which are made by Northern senators and representatives, and the probabilities that the like policy now meets with the sanction of a majority of the Cabinet, the South can look in future only to her own strength, the justice of her cause, and the protection of the Almighty Ruler of the Universe for her safety and independence. Prompted by these considerations, I have seized and occupied Fort Pulaski, the stronghold in this State, with a sufficient number of troops and other ample provisions to secure it against successful assault. Till the convention of this State has acted and decided the question of Georgia's future dependence or independence, I shall hold the fort at all hazards, and by force if necessary. I am glad to learn by a telegram just received from His Excellency

the Governor of your State that he has taken the same precautions for the protection of the people of Alabama against the assaults of our common enemy, and I sincerely trust the Executive of each and every Southern State in the Union will at once adopt the same policy, and let us all co-operate in a common defense. So far as the returns have been received at this office they indicate beyond a doubt that the people of Georgia have determined by an overwhelming majority to secede from the Union so soon as our convention meets and has time to consummate this important step which can alone preserve the honor, the rights, and the dignity of this State in the future. I trust that Alabama will not hesitate, but will act promptly and independently, relying, as I know she may, upon the cordial co-operation of Georgia in every hour of trial. The people of the pro-slavery States have common institutions, common interests, common sympathies, and a common destiny. Let each State, as soon as its convention meets, secede promptly from the Union, and let all then unite on a common platform, co-operate together, and "form a more perfect union." Our cause is just, and I doubt not, should we be attacked, that the God of Battles will protect the right and drive far from us the scattered hosts of an invading foe. I regret the necessity which compels me to prepare this response in so short a period. I have no time to revise it. You will please say to His Excellency Governor Moore, that it will afford me much pleasure to receive intelligence at the earliest moment after the convention has placed Alabama in the high position which Georgia, by a vote of her people, has determined to occupy so

soon as her convention has time to assemble and deliberate. I am,

Very truly,

Your obedient servant,

JOSEPH E. BROWN.

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MILLEDGEVILLE, GEORGIA,  
January 19, 1861—2:30 p. m.

GOVERNOR PERRY, Tallahassee.

Ordinance for immediate secession just passed by 208 to 89. Nearly all will sign it.

JOSEPH E. BROWN.

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CONFEDERATE STATES OF AMERICA,  
WAR DEPARTMENT,  
MONTGOMERY, March 1, 1861.

GOVERNOR JOSEPH E. BROWN, Milledgeville, Ga.

SIR: The Congress have passed an act to raise provisional forces for the Confederate States of America, and for other purposes. I beg to inclose a copy of the act\*. Under this act the President directs me to inform you that he assumes control of all military operations in your State having reference to or connected with questions between your State and powers foreign to it. He

also directs me to request you to communicate to this Department without delay the quantity and character of arms and munitions of war which have been acquired from the United States, and which are now in the forts, arsenals and navy-yards of your State, and all other arms and munitions which your State may desire to turn over and make chargeable to this Government. The President further directs me to say that he will proceed with as little delay as possible to organize the provisional forces in the respective States, as provided for in the third and fourth sections of said act.

I have the honor to be,

Very respectfully,

Your obedient servant,

L. P. WALKER,

Secretary of War.

(A copy of this letter sent to the Governors of Florida, South Carolina, Alabama, Mississippi, Louisiana and Texas.)

\*[Inclosure.]

AN ACT to raise provisional forces for the Confederate States of America, and for other purposes.

*The Congress of the Confederate States of America do enact*, That to enable the Government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defense, the President be, and he is hereby, authorized and directed to assume control of all military operations in every State having reference to or connection with

questions between said States, or any of them, and powers foreign to them.

SEC. 2. *And be it further enacted*, That the President is hereby authorized to receive from the several States the arms and munitions of war which have been acquired from the United States, and which are now in the forts, arsenals, and navy-yards of the said States, and all other arms and munitions which they may desire to turn over and make chargeable to this Government.

SEC. 3. *Be it further enacted*, That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may volunteer, by consent of their State, in such numbers as he may require, for any time not less than twelve months, unless sooner discharged.

SEC. 4. *Be it further enacted*, That such forces may be received, with their officers, by companies, battalions, or regiments, and when so received shall form a part of the Provisional Army of the Confederate States, according to the terms of their enlistment and the President shall appoint, by and with the advice and consent of Congress, such general officer or officers, for said forces as may be necessary for the service.

SEC. 5. *Be it further enacted*, That said forces, when received into the service of this Government, shall have the same pay and allowances as may be provided by law for volunteers entering the service or for the army of the Confederate States, and shall be subject to the same rules and government.

Approved February 28, 1861.

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT,

MONTGOMERY, March 9, 1861.

His Excellency GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.

SIR: Under the act of Congress "to raise provisional forces for the Confederate States," a copy of which I had the honor to inclose to you a few days ago, this Government now needs for immediate service, at Charleston, 3,000 troops; Fort Pulaski, 1,000 troops; Fort Morgan, 1,000 troops; Pensacola, 5,000 troops; Mississippi River, below New Orleans, 700 troops; Texas, 1000. I therefore request that Georgia shall furnish for Fort Pulaski 1,000, and for Pensacola 1,000 infantry, the troops to be sent forward to those points with as little delay as possible, and on their arrival they will be mustered into the service of the Confederate States. If you can supply this requisition immediately without the publication of your order, it would be better to do so, as it is advisable, as far as practicable, to keep our movements concealed from the Government of the United States.

I have the honor to be,

Very respectfully,

Your obedient servant,

L. P. WALKER,

Secretary of War.

(The same, *mutatis mutandis*, to the Governors, of Alabama, for 1,000 at Fort Morgan and 1,000 infantry for Pensacola; Florida, for 500 infantry at Pensacola; Louisiana, for 1,000 infantry at Pensacola and 700 at Forts Jackson and Saint Philip; Mississippi, for 1,500 infantry at Pensacola.)

SAVANNAH, March 12, 1861.

HIS EXCELLENCY GOVERNOR BROWN,

*Commander-in-Chief, present.*

SIR: In case it is decided to occupy Pulaski with the regular troops of the State, permit me to suggest that, so soon as the most advanced of the companies now organized are provided with their proper equipment, they be placed in garrison there, under command of Captain Gill, the senior captain, as I understand, being repured at the barracks; that upon the occupation of the fort by the Georgia regulars, the volunteers be for the present withdrawn, subject, of course, to be in readiness, as they always are, for sudden requisitions for their services in case of attack. This is desirable, for the reason that until the regulars acquire the necessary proficiency and also that confidence in themselves possessed by the volunteers, and for the purpose of the rigorous discipline required in the regular service, the two organizations should be separated. The volunteers have had a severe term of duty, and might, I think, be relieved. As the companies become filled and partially drilled at the barracks they can be transferred to Pulaski, to make room for the recruits continually arriving. The barracks only accommodate comfortably about 200. In this way, as a recruiting depot, they would serve as a reserve to supply the garrison without extra quarters, &c., until the

proper number is obtained for the defense of Pulaski. In the meantime the companies already organized can be instructed in their garrison duties, and should an attack be imminent, be re-enforced at once by the admirable corps of volunteers of the city of Savannah. The companies now organized are ample to work with distinction the heavy guns, and present not only excellent material, but, for the time they have been at work, most creditable proficiency and discipline. To carry out this, however, it is requisite that they should have at the very earliest possible moment, clothing, especially greatcoats and blankets, and their accoutrements and ammunition, belts, bayonet scabbards and cartridge boxes. The commanding officer should be authorized to procure them with the least possible delay. In case the policy of garrisoning Pulaski with the regulars and relieving the volunteers be adopted, I make these suggestions as your military engineer. In addition, in view of the defense of that work, I regard for the purposes of labor that kind of force as most economical.

Very respectfully,

W. H. C. WHITING,  
Major of Engineers.

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SAVANNAH, GA., March 12, 1861.

HON. L. P. WALKER,

*Secretary of War.*

I will furnish you two regiments of 1,000 each as soon as they can possibly be organized.

JOSEPH E. BROWN.



SAVANNAH, GA., March 12, 1861.

HON. L. P. WALKER,

*Secretary of War, Montgomery, Ala.*

SIR: I have had the honor to receive your telegram to me at Milledgeville, which has been forwarded to me at this place, asking for 2,000 men for the service of the Confederate States; also your letter upon the subject of the organization of the Army. I am disposed to do all in my power to facilitate the action of the Government of the Confederate States in its preparation for the common defense. As the Georgia Convention instructed me to raise two regiments of regulars for the service which were expected to be turned over to the common Government, I have desired to know their status before taking further action to raise troops. I have appointed the officers for the two regiments and they are now actively engaged enlisting soldiers. There are about 200 enlisted for one regiment and 250 for the other, and recruits are coming in daily. I desire to know whether you will accept these regiments with all the officers appointed by me and receive the men now enlisted as part of the 2,000 required, and permit the officers not necessary to the immediate command of the number of men now in the regiment to continue to enlist in Georgia till the regiments are full, when the whole will remain in the services of the Confederate States during the term of their enlistment at least. I cannot, in justice to the privates who have enlisted, tender the regiments unless they are received with the officers which I have appointed, as the recruits have nearly all been obtained by the officers appointed from civil life, with the understanding that

they are to go under them. May I ask to be informed, plainly and explicitly, of the terms on which the regiments will be received, and whether they will now be received, as far as enlisted, as part of the 2,000 men now called for? The regiments could, I think, soon be filled by the recruiting officers in the State, and the officers will inform you that they are excellent, able-bodied recruits. If you accept them upon the terms above mentioned they are now at your service and subject to your order. For the present I do not desire to publish a general order of the character mentioned in your letter.

I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

MONTGOMERY, March 15, 1861.

His Excellency JOSEPH E. BROWN,

Savannah, Ga.

SIR: Your communication of the 12th instant has been received. The requisition for 2,000 troops was intended for the provisional forces of the Confederate States. I beg to quote the third and fourth sections of the act of Congress to raise provisional forces, a copy of which I had the honor to inclose to you some days ago:

SEC. 3. *Be it further enacted*, That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may volunteer, by consent of their States, in such numbers as he may require, for any time not less than twelve months, unless sooner discharged.

SEC. 4. *Be it further enacted*, That such forces may be received, with their officers, by companies, battalions, or regiments, and when so received shall form a part of the Provisional Army of the Confederate States, according to the terms of their enlistment; and the President shall appoint, by and with the advice and consent of Congress, such general officer or officers for said forces as may be necessary for the service.

The proper interpretation of this act, it occurs to me, is that, whatever forces you now have organized in companies, battalions, or regiments, to the number of 2,000, will come into the Provisional Army as organized under your State regulations and commanded by their own officers. These forces, however, when mustered into the service of the Confederate States without changing their organizations as companies, battalions or regiments or losing their officers, would be under the command of such general officer of the Confederate Government as the President might assign to that duty. So far, then, as your regiments are completed, there is no difficulty in your transferring them to this Government in whatever form of organization you may determine upon, but to receive officers without men would not be, in my view, within the scope of the law. My letter of the 9th informed you that the Government needed 5,000 troops at

Pensacola with as little delay as practicable, and I expressed the hope that your State would furnish 1,000 of that number. If the officers of your State now appointed, but without commands, are to enlist their men for three years, which period I understand is the basis of your military organization, it is probable the number required would not be contributed within the time it is supposed we may need them. Under these circumstances I respectfully suggest that you might raise without delay a volunteer force for twelve months amply sufficient to make up the deficiency, and that the officers appointed by you might undertake to do this. I do not well see how otherwise the embarrassment you suggest, with the attendant delay, could be obviated. You will, I feel assured, do this Department the justice to believe that it has every disposition, as far as possible to accommodate itself to the rather peculiar condition of things in your State, but you will see at once that it has no power to receive into the service of the Government less than an organized company. This, of course, excludes officers without command.

I have the honor to be, very respectfully,

Your obedient servant,

L. P. WALKER,

Secretary of War.

EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GEORGIA,

March 18, 1861.

HON. L. P. WALKER,

*Secretary of War.*

DEAR SIR: Your communication in reply to mine from Savannah is just received. I regret the embarrassments about the Georgia regiments, but I do not see how I can turn them over on terms different from those mentioned in my letter. The officers and recruits are now in the pay of the State and the officers not necessary to the command of the men are in the field, actively engaged in securing other recruits for the purpose of filling up the regiments. If you should think proper to receive the regiments, you would have no further embarrassments about troops from this State. I have delayed my consent to have companies mustered into the service till the regiments are received. Captain Lee's company forms an exception, as I was informed you desired it for a special service. I sincerely desire to give you as little embarrassment as possible. I must, however, insist that the regiments be received before the volunteers enter the service. I could furnish 250 recruits and 750 volunteers for Fort Pulaski and as many more for Pensacola in a few days. The recruits are fine, able-bodied men and the regiments would soon be full if the officers remained for a time at their recruiting stations. In the event I order volunteers into the field I have not on hand at present a full supply of accoutrements, tents, knapsacks, &c., for them. I am having them made as fast as pos-

sible. Will you expect that the State furnish all these things; and if so, will the War Department pay for them? We have on hand, and on the way from New York, quite a supply of blankets and some clothing for soldiers. We have also contracted for a considerable supply of bacon, &c. Will you take and account for these supplies? The bacon, about 500,000 pounds—has not yet been paid for. If you take it I prefer you pay the venders for it.

Hoping that you will receive the regiments upon the terms mentioned in my letter from Savannah, and that no future cause of misunderstanding may exist, I am,

Very respectfully, &c.,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEORGIA,

March 19, 1861.

HON. L. P. WALKER,

*Secretary of War.*

DEAR SIR: I have just received notice from your adjutant that Lieutenants Berry, Willis and Barrow are ordered to Fort Pulaski for duty, with instructions to report to the commanding officer there. I consider it necessary that I continue to occupy Fort Pulaski with State troops till the Confederate States have a sufficient force there to hold it. With this object I have ordered the

regular troops of this State to relieve the volunteers and occupy the fort till you have assumed the control of it with sufficient force. The volunteer corps there have been fully officered. The regulars sent there will be commanded by their own officers. In this state of the case will you have the kindness to inform me what service you expect these lieutenants to render and what command they are expected to assume while the State troops remain in the fort? Pardon me for calling your attention to another matter. In January last I ordered an artillery company from Macon to take position on St. Simon's Island and guard the entrance of the Brunswick Harbor, to keep out pirates, &c. This company is still at Fort Brown, on the Island. They now desire to be relieved. As the Confederate States now assumes control of all the military operations of this character along the coast, you will please inform me whether you wish a company continued at that point or whether the troops may now return to their homes. There is probably less necessity for the services of the company on Saint Simon's since we have a boat and crew now cruising in the inland waters of the State. I am not prepared, however, to say that the services of a company at that point may not still be necessary. I shall be glad to know your wishes in the premises. I am,

Very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

## CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

MONTGOMERY, March 20, 1861.

His Excellency J. E. BROWN,

Milledgeville, Ga.

SIR: I have the honor to acknowledge the receipt of your communication of the 18th instant. In reply I can only repeat what I have already said in previous letters. If there be companies organized and tendered they will be received as companies into the Provisional Army. If batteries are organized and tendered they will be received as such, and so also with regiments; but to receive either a company, battalion or regiment not organized and in existence would do such violence, as I conceive, both to the letter and spirit of the law as to put it altogether out of the question. I sincerely regret to be compelled to make this answer, both because I am anxious, if possible, to oblige Your Excellency and because we need the troops, particularly at Pensacola, without a moment's delay. In reply to your enquiry I state that all tents, accoutrements, etc., which may be transferred to this Government and received by it would be paid for. Should your State make such transfer an officer will be appointed to inspect the articles, and if suitable receive them.

I have the honor to be, very respectfully,

Your obedient servant,

L. P. WALKER.



MONTGOMERY, March 20, 1861.

GOVERNOR JOSEPH E. BROWN,

Savannah:

No reply to my requisition for troops. Will they be furnished, and when? Circumstances require immediate answer

L. P. WALKER.

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MONTGOMERY, March 21, 1861.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

Your letter received yesterday after I dispatched you. It was answered at once.

L. P. WALKER.

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SAVANNAH, March 21, 1861.

GENERAL L. P. WALKER:

Saw Governor B(rown). His temper and objects good. Will send you the 1,000 men for Pickens immediately. Shall he delay any of them to wait a few days for accoutrements? Answer. You misunderstand him about his two regiments. He raised them under ordinance of State. Has 600 or 700 men raised for all the companies of both regiments. No company full. He is willing to

turn them over to you, with enough officers for their command, as parts of regiments, and as the regiments fill up continue to turn over until both regiments full—for your Provisional Army, not your Regular Army. I think he is right. Do you agree to it? Answer tonight if you can. Will write tomorrow.

R. TOOMBS.

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MONTGOMERY, March 22, 1861.

HON. ROBERT TOOMBS,

Savannah:

Governor B(rown) can delay troops for Pensacola few days for accoutrements. Let the delay be as short as possible. Companies, battalions, and regiments must be organized, if wish to retain individuality, before mustered into service. There is no law to receive fractions of either as a whole, to be afterward completed. The size of regiment will be controlled by State ordinance Whatever that determines to be full complement is recognized here. Less than the number required by your law to constitute a regiment could not be received as one into Provisional Army.

L. P. WALKER.

WAR DEPARTMENT, C. S. A.,

Montgomery, March 22, 1861.

His Excellency, JOSEPH E. BROWN,

Milledgeville, Ga.

Sir: Your communication of the 19th instant is just received. Lieutenant Berry, Willis, and Barrow, having been appointed in the Army of the Confederate States, were ordered to Fort Pulaski at the request of Colonel Hardee, whom it was at that time the purpose of this Department to assign to the command of that fort and the adjacent country. No official communication, however, having been made to this Government that the State forces of Georgia had been transferred to the authority of the President, and being as yet without any notification that there were any troops in your State subject to my control, Colonel Hardee has been sent to Fort Morgan, in this State. You will remember that in my requisition for 2,000 troops from your State I informed you that 1,000 were intended for Pulaski. So soon as I am advised that these troops are ready to be mustered into service an officer will be assigned to the command of that fort. In regard to the company ordered by you to occupy Saint Simon's Island, I can only say that either it or some other company should continue to perform that duty, if there is any possible occasion to justify it, until such time as the Confederate Government is in condition to do so. When that will be, depends of course, upon the disposition to be made by you of the requisition for troops already referred to. I feel satisfied that you will not permit any unnecessary delay to intervene either in

regard to troops for Pulaski or Pensacola. There can hardly be a doubt of the immediate necessity for prompt action, especially as to Pensacola. The Government of the United States certainly do not intend to abandon Fort Pickens, but, on the contrary, are preparing to reinforce it with ultimate views, doubtless, upon the navy yard, now completely at the mercy of the guns of the fort. I hope to have by Monday next 5,000 troops concentrated at that point, which, with the 1,000 to be furnished by your State, will give us a force sufficient certainly for the purposes of defense. I shall be happy to hear from you in reply at your earliest convenience, trusting that my previous letters have satisfied you that I have every disposition to accommodate the action of this Department as far as possible to your wishes.

Very respectfully, your obedient servant,

L. P. WALKER.

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SAVANNAH, March 23, 1861.

L. P. WALKER:

Can do nothing on your basis to arrange military affairs with Governor B[rown].

R. TOOMBS.

MILLEDGEVILLE, March 26, 1861.

HON. L. P. WALKER:

We find we cannot get Captains Smith's and Aderhold's companies ready before Tuesday. We will muster all in at one time. Please withhold orders for them.

JOSEPH E. BROWN.

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MONTGOMERY, March 27, 1861.

GOVERNOR J. E. BROWN,

Milledgeville:

Transportation from Columbus for 1,000 troops will be ready on Wednesday next, presuming they will rendezvous at that point.

L. P. WALKER.

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MILLEDGEVILLE, [March] 27, 1861.

HON. L. P. WALKER:

Have already sent out the orders for the rendezvous at Macon on Tuesday. Send officers to muster them into service.

JOSEPH E. BROWN.

MONTGOMERY, March 28, 1861.

GOVERNOR J. E. BROWN,

Milledgeville:

Very well. Rendezvous your troops at Macon at time appointed. Transportation provided from there. Three hundred will leave daily until all are transported. This will prevent any detention here. Arrangements according to this programme have been perfected.

L. P. WALKER.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

MONTGOMERY, April 2, 1861.

His Excellency, JOSEPH E. BROWN,

Milledgeville, Ga.

Dear Sir: Being informed that you are still engaged in enlisting men, in the expectation that they will be transferred to the Confederate States, I deem it proper to call your special attention to the phraseology of the Act of Congress "to raise provisional forces." I do this to prevent misapprehension in the future. The third section of that Act is in these words:

"That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may volunteer

by consent of their State, in such numbers as he may require, for any term not less than twelve months, unless sooner discharged."

A careful reading of this Act satisfies me that its provisions embrace only such troops as were then in the service of the States. The words are, "Such forces now in the service of said States as may be tendered, or who may volunteer," etc. The words "now in service" apply as well to those who volunteer as to those who are tendered. The whole scope of the Act is to authorize the President to relieve the separate States (so far as the public service would warrant it) of the troops already levied by them. With this view of the law, to which I invite your attention without official formality, it might be well to consider the propriety of further enlistments, this Government having no power to receive them into the provisional forces.

Very respectfully, your obedient servant,

L. P. WALKER

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MACON, April 2, 1861.

L. P. WALKER:

When the troops leave Georgia they are under no law till they are mustered into the service. The officers object to leave the State till it is done. If you desire the troops please designate at once some one to muster them in here.

JOSEPH E. BROWN.

MONTGOMERY, April 2, 1861.

GOVERNOR J. E. BROWN,

Macon, Ga.:

The troops will be mustered into service at Pensacola, but transportation has been provided from Macon, as I wrote you.

L. P. WALKER.

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MONTGOMERY, April 3, 1861.

GOVERNOR JOSEPH E. BROWN,

Macon, Ga.:

I cannot make an exceptional case of the Georgia troops, although anxious to oblige you as far as possible. The troops of the other States intended for service at Pensacola are mustered into service at that point. I desire to know without delay whether that arrangement will suffice?

L. P. WALKER.

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MACON, GA., April 4, 1861.

HON. L. P. WALKER,

*Secretary of War.*

Sir: After much difficulty I have succeeded in getting the consent of the troops to go to Pensacola to be



mustered into the service. One strong point made against it has been that you may possibly reject some of the troops when they get there who might be considered physically unable to do duty or from other causes, and they would then be discharged at a distance from home and at a heavy cost to them before they could get back. If mustered in here and anyone should be rejected he would be near his home, and the cost and disappointment not so great. Again, they would not consent to go if they knew there would be any difficulty about their regimental surgeons, etc. I have appointed able and experienced surgeons with the regiment who have their full confidence; also with the battalion. The regiment consists of ten companies, organized as a regiment according to the laws of this State. The battalion consists of four companies, commanded by a major. The battalion is also organized in accordance with the laws of the State. I tender these troops for the shortest time for which they can be received into the service of the Confederate States, which I believe is twelve months, unless sooner discharged, under the provisions of the Act of Congress upon that subject. An account of the expense of equipping and preparing the regiment and battalion for service will be made out and forwarded to you. I understand by your requisition that the troops are intended for service at Pensacola and not for service on the frontier. I have so assured them.

I have the honor to be, your obedient servant,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

MONTGOMERY, April 8, 1861.

His Excellency, JOSEPH E. BROWN,

Milledgeville, Ga.

Sir: The discontinuance by the United States of negotiations with the Commissioners representing this Government, of which doubtless you have before this been made aware, leaves no doubt as to the policy we should pursue. A large force will probably, and if at all, almost immediately, be needed to resist the coercive measures of the Washington Administration. To meet this condition of affairs this Department, acting with reference to the power vested in the Executive by the Act of the Congress entitled "An Act to provide for the public defense," suggests to Your Excellency the necessity of calling at once for 3,000 volunteers, to be drilled, equipped, and held in instant readiness to meet any requisition from this Department. These troops will, of course, not be receiving pay until they shall be mustered into service, but the emergency is so pressing that Your Excellency will fully appreciate the great importance of thorough preparation, especially in regard to instant capacity to move. A similar request has been addressed to the Executive of each of the Confederate States. Asking an early reply to the suggestion above made,

I am, very respectfully, your obedient servant,

L. P. WALKER.

MONTGOMERY, April 8, 1861.

GOVERNOR JOSEPH E. BROWN,

Macon, Ga.:

The news from Washington today justifies me in telegraphing for Captain Hill's company of artillery at Athens, intended for Pensacola, and hope you will add your request to mine for their immediate departure. Transportation will be provided from there. Please forward your troops as fast as possible.

L. P. WALKER.

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MILLEDGEVILLE, April 8, 1861.

L. P. WALKER:

Captain Hill resigned and is now in one of the regular regiments of the State. The company is not well organized at present. Asked for cannon and to give up their cannon a few days since; still have the cannon—only have three guns. Captain T. L. Cooper's company, of Atlanta, has three guns, and Captain Girardey, of Augusta, six guns. After this statement will telegraph to Athens if you wish.

JOSEPH E. BROWN.

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT,

MONTGOMERY, April 9, 1861.

His Excellency, JOSEPH E. BROWN,

Milledgeville, Ga.

Sir: Your letter of the 4th instant has not been answered earlier because of the extreme pressure on the Department growing out of the present crisis in public affairs. Your Excellency will, I am sure, appreciate the embarrassments which have surrounded this Department, in view of the many which have impeded your Excellency's administration of similar affairs for the State of Georgia. The rule of the Department requiring the troops for the Provisional Army derived from the several States to be mustered in at Pensacola was general, and has been complied with in respect to all the troops except only those whom Your Excellency requested to be mustered in at Macon. It was therefore impossible to abrogate the rule, for that would have given just cause of offence to the State which has already complied with it. Touching the objection suggested by Your Excellency, that under the rule referred to such of the men as should be rejected on inspection would be discharged at an inconvenient distance from their homes, I beg to say that I have no doubt but that this Government will defray the expense of transportation and necessary temporary subsistence in the case of such rejected men.

On the subject of the appointment of surgeons for the Georgia troops, I beg to say that this Department will

endeavor, as far as possible, to make its action correspond with that of Your Excellency, and with that end in view I must request Your Excellency to transmit me a list of the surgeons and assistants for your troops; and with reference to the possibility that the Department may be unable to make acting assistant surgeons of all your appointees, you will oblige me by indicating the names you prefer to be retained and in the order of your preference. Your Excellency's understanding of the point at which the Georgia quota is to serve is correct.

Very respectfully, your obedient servant,

L. P. WALKER.

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MILLEDGEVILLE, April 10, 1861.

HON. L. P. WALKER:

The Washington Artillery Company, of Augusta, Captain Girardey, held a meeting last night and announced ready. They are subject to your order in future. Much confusion will be avoided if you will make your requisitions for troops on me in the first instance before you make a call on the militia companies of this State, as I might be better acquainted than you can be with the best selection of companies for the service.

JOSEPH E. BROWN.

MONTGOMERY, April 10, 1861.

JOSEPH E. BROWN,

Milledgeville:

No requisition has been made except through yourself in the first instance. The call for Hill's company was made for the reason previously stated. You may feel satisfied that I shall regard all the courtesies.

L. P. WALKER.

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WAR DEPARTMENT, C. S. A.,

MONTGOMERY, April 10, 1861.

His Excellency, JOSEPH E. BROWN,

Milledgeville, Ga.:

Sir: Having observed in the newspapers allusions to a transfer, by ordinance of the convention of Georgia, of the forts, arsenals, ordnance stores, etc., within your State, I take the liberty of addressing you on the subject, for the purpose of being officially assured of the fact, if it be so, and also of suggesting to your Excellency, if the fact be as I suppose, that it will be really promotive of the public interests if your Excellency can with propriety advise this Department as to the time when the authorities of Georgia will be prepared to turn over the property mentioned to the Confederate States; and in making this request I beg your Excellency to understand that I am actuated only by the desire to be prepared at the earliest

moment at which your Excellency can perfect the transfer to take possession of the forts and arsenals, and to make the other property as useful as possible for defense. The present emergency makes it absolutely necessary for this Government to arrange and distribute its forces and resources so as to make them all available, and in that necessity your Excellency will at once see the reason for the inquiry I have made. Whenever Georgia, acting on Your Excellency's views of propriety and State interest, shall be ready to make the transfer to the Confederacy, it is the wish of this Department to have its appointments made for the occupation of the fort and arsenal without loss of time. A notification in advance as to the time when it will suit the State authorities to make the transfer will enable the Department to make these arrangements advantageously, and I trust I shall not be understood as going beyond a request for such notification, or of designing to interfere with or affect in any way such action in the premises as may have been determined on by your Excellency.

Very respectfully, your obedient servant,

L. P. WALKER.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 11, 1861.

J. J. HOOPER, Esq.,

*Private Secretary, Etc., Montgomery, Ala.:*

Sir: By direction of His Excellency, the Governor, I

have the honor to acknowledge the receipt of your letter of the 9th inst., and in reply to say that there are but few artillery corps in the State, and as they would be much needed in case the soil of Georgia should be invaded, His Excellency deems it expedient to permit any of such companies to leave the State, except the Washington Artillery, Capt. I. P. Girardey, of Augusta. This is the best armed and most thoroughly drilled artillery corps in the State, and yesterday they were ordered into the service of the Confederate Government. Besides this corps the late contingent requisition will be filled with infantry troops alone.

I am, sir, very respectfully, etc.,

H. H. WATERS,

*Secretary Executive Department.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 11, 1861.

HON. L. P. WALKER,

*Secretary of War.*

Sir: Your requisition for 3,000 more volunteers, to be held in readiness to respond to any future order from your Department, has been received, and I have ordered the Adjutant General to issue a general order to the volunteer companies of this State informing them of the fact and inviting such as desire to enter the service to re-



port immediately to this office. I apprehend no difficulty in procuring a sufficient number to fill the requisitions if they should be needed. We will do all in our power to be prepared with tents, accoutrements, etc., which we have made at the Georgia penitentiary, which has to sustain itself. It will therefore require the payment of cash from the Confederate States for these supplies when furnished. It is perhaps proper that I should here mention that you will be expected to appoint someone to muster the volunteers into the service of the Confederate States while in this State, if they are destined for service out of the State, before the next regiment will be ordered to rendezvous for service out of the State. The sending of Georgia troops into other States to be mustered into service is attended with so much confusion and difficulty that I can not recognize the instance of the regiment lately sent under peculiar circumstances as a precedent. As I wish no misunderstanding about this matter in future, I think it best to notify you of my conclusion in advance of a call for actual service, so that you may designate the officer who will perform that service in advance of a call by me for the rendezvous of the troops. I have every wish to accommodate, and Georgia will at all times be ready to do her part, but she will insist on having her rights and wishes respected when she is claiming the recognition of a principle of justice to her troops, as well as of obvious propriety. The adjutant-general or any other officer here under your appointment might perform the service.

Very respectfully,

JOSEPH E. BROWN.

MONTGOMERY, April 13, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

The President has appointed A. R. Lawton to command at Fort Pulaski. Staff and ordnance officers will be sent to him at once. Whiting will superintend the engineering. I must beg you at once and without more delay to furnish my requisition of troops of March 9. If you still refuse to transfer the enlisted men except upon the terms heretofore suggested by you, I must earnestly insist that you issue a call for 1,000 volunteers for the defense of Fort Pulaski. I trust you will concur with me in the opinion that the emergency of the case demands instant action.

L. P. WALKER.

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MILLEDGEVILLE, April 13, 1861.

HON. L. P. WALKER,

*Secretary of War:*

The troops will be furnished immediately. Part of the companies will go down to Savannah on Monday next.

JOSEPH E. BROWN.

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 15, 1861.

HON. L. P. WALKER,

*Secretary of War, Montgomery, Ala.*

Sir: In compliance with your requisition of Saturday last, communicated by telegraph, I issued an order on that day for ten volunteer companies from different parts of the State to repair immediately to Savannah to garrison Fort Pulaski. Some of these companies, all of which are infantry corps, are now on their way to Savannah, and all, I trust, will arrive there by the last of the present week. They would sooner, but for the reason that some will come from remote parts of the State and off from a railroad. I desire these companies to be mustered into the service of the Confederate States at as early a day as practicable, and to this end that an officer of the Government be sent to Savannah to receive and take charge of them. Some of the companies, say half of them, I expect will reach Savannah by Wednesday. It has not been possible, on so sudden a call, after having fitted out the regiment to Pensacola, to furnish the requisite tents, camp furniture, etc., for these troops, but it is hoped we shall be able in a very short time to supply them with everything needful. These ten companies are intended to be organized into a regiment when they shall have all arrived at Fort Pulaski, the place of rendezvous, when they will elect their officers and be received into the

service of the Confederate States as a regiment and not as separate companies.

Very respectfully, etc.,

JOSEPH E. BROWN.

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MONTGOMERY, April 15, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

Thirteen hundred men will be received for Pulaski and Tybee Island, and orders for their disposition will be forwarded to General Lawton. The news today indicates general war.

L. P. WALKER.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

MONTGOMERY, April 16, 1861.

HIS EXCELLENCY, THE GOVERNOR OF GEORGIA:

Sir: In addition to the 3,000 troops for which I have the honor, under date of the 8th instant, to make a conditional call on the State of Georgia, I now beg leave to request Your Excellency to hold in readiness for instant movement 5,000 volunteer troops, armed and equipped, or as nearly so as practicable, and subject in all respects

to requisition from this Department as the troops called for in my letter of the 8th instant. This call is precisely similar, except as to number, and in addition to that for 3,000. The importance of holding the entire force now and previously called for in absolute readiness Your Excellency will fully appreciate, in view of the hostile purpose of the Washington Government, as indicated in the recent proclamation of the President of the United States, which has just reached this Department, and which, in the opinion of this Government, makes this additional call necessary.

Very respectfully, your obedient servant,

L. P. WALKER.

(The same, *mutatis mutandis*, to the Governors of Alabama, Florida, Louisiana, Mississippi, South Carolina and Texas, Florida being called upon for 2,000 men.)

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WAR DEPARTMENT,

MONTGOMERY, April 17, 1861.

His Excellency JOSEPH E. BROWN,

Milledgeville, Ga.:

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, inclosing copies of two ordinances adopted by the State of Georgia in reference to the transfer to this Government of the forts and arsenals and certain arms and munitions of war. An officer will very soon be ordered to the duty of receiving

the property described in ordinances from the authorities of Georgia, with authority, of course, to receipt for the same. In relation to such of the guns to be transferred as were made for the State of Georgia under contract, I beg to say that this Government is quite willing to pay for all such in cash, as you desire. The contracts made by Your Excellency with the Tredegar Works it will probably be advantageous to this Government to have transferred to it, but as this Government has itself a contract with that establishment calling for thirty 10-inch guns, to be delivered at the rate of two per week, beginning with the first week in this month, I must ask Your Excellency to furnish me copies, that the Department may be able, before deciding finally, to ascertain precisely times of delivery and the like; and I shall be glad to receive such copies as soon as Your Excellency's convenience will permit. The officer detailed for the duty mentioned in this letter will very probably report himself to Your Excellency within the next two or three days.

With great consideration,

Your obedient servant,

L. P. WALKER.

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MILLEDGEVILLE, GA., April 18, 1861.

HON. L. P. WALKER,

Have ordered one company of artillery with the regiment now on its way to Savannah. Will you take them,

or is infantry only required? Have given by mail reasons for desiring 5,000 troops at Savannah.

JOSEPH E. BROWN.

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MILLEDGEVILLE, GA., April 18, 1861.

HON. L. P. WALKER,

I will have the 8,000 troops in readiness very soon. I have a division of volunteers nearly organized under act of the Legislature. Will you accept them by division and brigades? This would greatly facilitate.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 18, 1861.

HON. L. P. WALKER,

*Secretary of War, Montgomery, Ala.:*

SIR: I am informed by a telegram received from H. C. Wayne, adjutant-general, now in Savannah, that he has reliable information from Washington that a plan for retaking Fort Pulaski has been matured. Taking this in connection with the declaration of Mr. Lincoln that he intends to retake all the Southern forts, I anticipate an attack on Fort Pulaski at no distant day. I therefore respectfully ask that you at once order 5,000

troops to Fort Pulaski and for the defense of Savannah with its approaches. I will respond promptly to all requisitions made on me for volunteers for that purpose. An early reply is respectfully solicited. In advance of your written requisition, you will oblige by mentioning by telegraph the number of troops you will receive, if any, that I may be putting them in readiness as fast as possible for active service.

I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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MONTGOMERY, April 19, 1861.

GENERAL A. R. LAWTON,

Savannah:

Have received dispatch and letter from Governor Brown, urging me to order 5,000 troops to Fort Pulaski. Shall not do so unless his suggestion is indorsed by you. He is clearly mistaken about the fleet. It lies off Pensacola and is not thinking of Savannah or Pulaski.

L. P. WALKER.



MONTGOMERY, April 19, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

Your letter of 17th of April is received\*. For the sake of harmony and in the spirit of your proposition, I accept it. Technicalities must not stand in the way of preparation.

L. P. WALKER.

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MONTGOMERY, April 19, 1861.

GOVERNOR BROWN,

Milledgeville:

I have not determined the question relative to divisions or brigades propounded in your dispatch of the 18th.

L. P. WALKER.

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MONTGOMERY, April 19, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Governor Letcher of Virginia, telegraphs for troops. Two thousand have been ordered from South Carolina,

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\*Not found.

and I ask you to send two or three companies from Georgia. They just proceed to Norfolk and report to General Taliaferro. Unless they go at once they will be too late. Can you send them without delay?

L. P. WALKER.

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MILLEDGEVILLE, April 19, 1861.

HON. L. P. WALKER,

Will do all in my power to get the companies for Virginia. Will it do if they start by Monday night? Answer quick.

JOSEPH E. BROWN.

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MONTGOMERY, April 19, 1861.

JOSEPH E. BROWN,

Milledgeville:

Monday will not do; they are needed now. The navy-yard at Norfolk is to be taken, and unless they move at once it will be too late. Answer.

L. P. WALKER.

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MONTGOMERY, April 19, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

Sunday will be too late. Let them certainly get off

to-morrow. Special reasons which cannot be assigned in dispatch. Transportation will, of course, be provided from point of departure. Answer.

L. P. WALKER.

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HON. L. P. WALKER,

The City Light Guards, Columbus, Captain Colquitt; Floyd Rifles, Macon, Captain Hardeman; Macon Volunteers, Captain Smith, and Spalding Greys, at Griffin, Captain Doyal, all ready to start to-night. Please telegraph orders to each. All excellent companies, well drilled. Glad we have agreed about the enlisted Georgia regiment. You can take charge of it at once. Will direct Colonel Williams to order in recruiting officers from stations with balance of recruits immediately. Please reply to letter by mail.

JOSEPH E. BROWN.

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MONTGOMERY, April 22, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

I make requisition on you for two regiments of infantry, to rendezvous without delay at Richmond, Va. Conform the organization as far as possible to the law providing for the public defense. They will be mustered into service at such place as you may designate, and

transportation and subsistence provided accordingly.  
Answer. L. P. WALKER.

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MILLEDGEVILLE, April 23, 1861.

HON. L. P. WALKER,

I will respond as promptly as possible to your requisition for two regiments of infantry. Can only tender them organized according to the laws of Georgia. Could send forth some companies very soon. I propose that each company march as soon as ready by way of Augusta, where you will be expected to have an officer to muster each into service as it passes and before it leaves the State, with the understanding that each ten companies when they arrive at Richmond be permitted to elect field officers and organize into a regiment. In this way the troops can arrive there with greater dispatch than if required to rendezvous and form into regiments and be mustered in as regiments before leaving Georgia. If this is agreeable I will direct railroad companies in Georgia to send bills to you for transportation of companies, and you will please make arrangements beyond Augusta. Answer immediately, as I wish to know how to shape my orders.

JOSEPH E. BROWN.

MONTGOMERY, April 23, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Your proposition is entirely agreeable. Let me know when you will be ready.

L. P. WALKER.

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MILLEDGEVILLE, April 23, 1861.

HON. L. P. WALKER,

To whom shall the companies report to be mustered into service at Augusta? They are in different parts of the State, and cannot all go forward for a few days. Some of them will start in a day or two. Will try to have tents, knapsacks and accoutrements for them all. Will want some muskets from Augusta Arsenal. Please direct Major Cumming, now there, to furnish them.  
Answer.

JOSEPH E. BROWN.

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MONTGOMERY, ALA., April 23, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville.:

Captain Cole is ordered to Augusta to muster in the troops. Major Cumming is ordered to supply your

requisition for muskets. I hope, however, that you will make it as light as possible.

L. P. WALKER.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 24, 1861.

HON. L. P. WALKER,

*Secretary of War:*

DEAR SIR: Adjutant General Wayne has just returned from Savannah, where he has been rendering all the assistance in his power to General Lawton. He assures me that the place is in quite a defenseless condition. A battery at Thunderbolt, in the rear of the city, is being located to command a channel by which ships of war of eighteen feet draft could pass in and get into the river above Fort Pulaski. Again, I have been doing all in my power to get heavy guns and other munitions of war to the fort. I am getting on hand a considerable supply, but I am informed that the guns are being mounted very slowly indeed, for the reason that we lack scientific officers who understand the business. Captain Gill is doing all he can, but is unable to do half that is needed. Under these circumstances I earnestly request that you will without delay send to Savannah either Major Whiting or Captain Boggs, or some other competent person, to assist in locating the batteries and mounting the guns. I also respectfully call your attention to

the defenseless condition of Brunswick and other points on the coast of Georgia. The largest ships can enter at Brunswick and the whole navy of the United States could safely anchor there. The people feel very insecure and are constantly appealing for protection. I should be greatly gratified if you could, consistently with your sense of duty, locate a battery to command the bar of Brunswick and station sufficient force there to defend it. You would gladden many a heart if you would send the necessary officers to Savannah and authorize the necessary defenses at other points. It may be very true that we are not in danger of immediate attack, but we are subject to it at any time, and if the war lasts long must meet it sooner or later. We do not wish to be found unprepared.

Very truly, &c.,

JOSEPH E. BROWN.

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MILLEDGEVILLE, GA., April 25, 1861.

HON. L. P. WALKER,

I am obliged to be in the upper part of this State about a week. Start to-morrow early. Will other troops be called for, and how many, within that time? Answer at once, that I may issue orders, if necessary. Who appoints surgeons to volunteer regiments, and how many to each?

JOSEPH E. BROWN.

MONTGOMERY, April 25, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

I cannot say just now when other troops will be called for; think within a very short time. Probably two additional regiments from Georgia. The law allows one surgeon and one assistant surgeon to each regiment. I appoint them.

L. P. WALKER.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 27, 1861.

HON. L. P. WALKER,

*Secretary of War, Montgomery, Ala.:*

SIR: While I assure you I entertain no feelings of jealousy on account of your exercising the right to appoint surgeons and assistant surgeons for the troops raised in Georgia and furnished to the Confederate States, yet, as conflicting information on the subject has reached me (having but a few days since been furnished by Dr. Blackburn, of Barnesville, Ga., with what purported to be an extract from a letter from you, stating that "all surgeons are now appointed by the Governors of the States where volunteer regiments are raised and



tendered to the Government, and that when thus appointed they rank as assistant surgeons in the Regular Army," and then only yesterday having received your telegram in which you say in reference to such surgeons, "I appoint them"), I venture to trouble you with this note, and beg you to inform me definitely on the subject. Permit me also to inquire if you have appointed the surgeons to the volunteer troops which have been furnished by other States to the Confederate States, and as I have not before me all the acts passed by the Provisional Congress, be pleased to cite me to, and if convenient furnish me with, the act or other authority under which the appointing power above alluded to is claimed to be exercised by the Secretary of War of the Confederate States.

Believe me, very truly,

Your obedient servant,

JOSEPH E. BROWN.

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WAR DEPARTMENT, C. S. A.,

MONTGOMERY, April 27, 1861.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia, Etc., Milledgeville:*

SIR: In reference to your letter of the 24th of April, suggesting an examination into the defenses of the harbor of Brunswick, and requesting an additional engineer officer to be sent to Fort Pulaski, it gives me pleasure to

say that your wishes shall be respected as to Brunswick, and that Captain Echols has been sent to assist Captain Gill at Fort Pulaski. If these officers should require more assistance, Major Whiting, after he shall have performed the service on which he is now engaged at Forts Caswell and Johnson, will be dispatched to Fort Pulaski.

I have the honor to be,

Very respectfully, yours,

L. P. WALKER,

*Secretary of War.*

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MILLEDGEVILLE, April 27, 1861.

HON. L. P. WALKER,

Please say definitely whether you will receive volunteers into service by divisions and brigades, as I have a division of two brigades of fine soldiers nearly ready.

JOSEPH E. BROWN.

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MONTGOMERY, April 29, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

The organization of brigades and divisions belongs to the President, under the sixth section of the act "to provide for the public defense."

L. P. WALKER.

MONTGOMERY, April 29, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

I wish you to furnish immediately one regiment of infantry of picked men for Pensacola.

Private—Bragg needs them for lodgment on Santa Rosa Island preparatory to opening upon Fort Pickens. Dispatch is necessary. One regiment goes from here in a day or two. Would like to have it consist of drilled companies, if possible.

L. P. WALKER.

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MARIETTA, April 30, 1861.

L. P. WALKER:

I have sent most of my best drilled companies to Virginia. Will do the best I can for you. Do not believe it possible to have them ready with tents, knapsacks, and accoutrements immediately. Can you furnish any? The calls come so fast one cannot get enough made.

JOSEPH E. BROWN.

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT,

MONTGOMERY, May 4, 1861.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville:*

SIR: Your letter of the 27th of April in relation to the law governing this Department with regard to staff appointments for the volunteer forces called into the Confederate service is before me, and it gives me great pleasure to point you to the following provisions upon the subject contained in the acts of Congress, to-wit:

By the act approved March 6, 1861, it is provided—

Whenever the militia or volunteers are called and received into the service of the Confederate States (under the act to provide for the public defense), they shall have the same organization, and shall have the same pay and allowances, as may be provided for the Regular Army.

This act further provides that—

When volunteers or militia are called into the service of the Confederate States in such numbers that the officers of the Quartermaster's, Commissary, and Medical Departments which may be authorized by law for the regular service are not sufficient to provide for the supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Congress, as many additional officers of the

said departments as the service may require, not exceeding one commissary and one quartermaster for each brigade, with the rank of major, and one assistant quartermaster with the rank of captain, one assistant commissary with the rank of captain, one surgeon and one assistant surgeon for each regiment.

The necessity existing for the exercise by this Government of the discretionary powers lodged in it by this act, and the duties incident thereto having devolved upon me, I have been left no alternative than to take upon myself the responsibility, although, consulting my own individual tastes and feelings on the subject, I should have been, so far at least as Georgia is concerned, only too happy to have left the disagreeable burden with Your Excellency. I beg Your Excellency to be assured I have never imagined you could have entertained a sentiment of "jealousy" in relation to the exercise of an office equally harassing to the judgment and annoying to the sensibilities.

Very truly, and with the highest consideration, believe me,

Your obedient servant,

L. P. WALKER.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 4, 1861.

HON. L. P. WALKER,

*Secretary of War:*

SIR: I addressed you a letter some days since by Major Spalding, in addition to former ones, upon the

subject of the coast defense of Georgia. Since that time I have received repeated statements and petitions from our fellow-citizens along the coast, which show that the state of alarm is so great among them that many of them are sending away their most valuable property and preparing to leave their homes because of the sense of insecurity which they feel. Almost all business is suspended and the excitement and alarm are very great. There are a vast number of negroes along the coast, and there are several inlets where the vessels of the enemy can enter without hinderance and carry off this kind of property in large quantities. I trust, therefore, that you will excuse me for again urging you in the most earnest manner to order troops to be stationed along the coast at the most exposed points without delay. If you will make the requisition I will furnish the troops promptly. I would respectfully suggest that General Lawton be directed to order as much as one regiment of the troops now under his command to those points, and that I be permitted under your requisition to order out the regiment of volunteers in Savannah and place them under the command of General Lawton, to supply the place of the regiment which may be ordered to other points on the coast. Including the regular regiment, Georgia has already supplied six regiments and two battalions for the field. Four of these regiments and the two battalions have been ordered out of the State. I have met promptly every requisition made on me for troops for the defense of our cause in other States, and I feel that I do not ask too much when I again press upon your consideration this urgent demand for the protection of such citizens of Georgia as are in a condition to be constantly exposed to the depredations of the enemy. I have been formally

notified by you that the President assumes control of all military operations of this character. Since I received this notice I have in every case awaited the instructions of the President through you before ordering troops into the field, and while I still recognize the authority of the President over this matter, I demand the exercise of that authority in the behalf of the defenseless and unprotected citizens of this State who reside near the exposed points above mentioned. A prompt requisition for troops for this purpose is earnestly solicited, with the assurance that they will be supplied with the least possible delay.

I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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MILLEDGEVILLE, May 4, 1861.

(Received 5th.)

L. P. WALKER:

Do you prefer that the regiment asked for on Monday last rendezvous at Macon or go immediately by companies without delay to Pensacola? Will you permit them to elect field officers there if they go immediately? I cannot supply tents, knapsacks, and accoutrements to all. Please see that they are supplied. Answer immediately.

JOSEPH E. BROWN.

MILLEDGEVILLE, GA., May 6, 1861.

L. P. WALKER:

Who will muster the regiment into service at Macon Wednesday? Have no reply to my dispatch Saturday and have directed the rendezvous at Macon to-morrow.

JOSEPH E. BROWN.

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MONTGOMERY, May 6, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

Your dispatches of the 4th and 5th received. Do not rendezvous the troops at any point just yet. Pending legislation may somewhat change the programme. Make arrangements, however, for two regiments instead of one. Possibly neither may be sent to Pensacola, and it is this doubt which I cannot just now determine which induces me to ask you not to rendezvous them. Besides this it may be proper to say that the term of service will be changed from twelve months to for the war.

L. P. WALKER.

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MILLEDGEVILLE, May 6, 1861.

HON. L. P. WALKER,

Several companies of the Fifth Regiment are now on their way to Macon. All are under orders and will be



there to-morrow. Your dispatch of 29th of April required me to furnish the regiment immediately. Do you wish me to disband them and send them back home till you again require them, or will you receive them now? I have not funds to maintain them long in camp. Please answer.

JOSEPH E. BROWN.

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MONTGOMERY, May 7, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

I do not wish you to understand me as making it absolutely peremptory that the regiment to rendezvous at Macon to-morrow must be mustered in for war. Requisition having been made for this regiment some time ago, it might be unjust to so insist. I hope, however, they will consent. Hereafter all troops must so agree, as Congress has passed a law to that effect.

L. P. WALKER.

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MONTGOMERY, May 7, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

If it put you to the least inconvenience not to have the regiment received, I will take it now. I stated that

it must come in for the war. No more troops will be received for any other term of service. I presume the men will have no objection to this. Captain Cole will be detailed to muster the troops in. They will be given their orders in a day or two.

L. P. WALKER.

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MACON, GA., May 8, 1861.

HON. L. P. WALKER,

I am glad you take the regiment for the twelve months. It was right that it should have been so received. Shall I send them forward to Pensacola as fast as mustered in?

JOSEPH E. BROWN.

---

MONTGOMERY, May 8, 1861.

GOVERNOR J. E. BROWN,

Macon, Ga.:

The regiment rendezvoused at Macon will proceed to Pensacola. Transportation is provided.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

MONTGOMERY, May 8, 1861.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: In reply to your letter of May 6, inclosing requisitions for clothing for the Georgia companies at Pensacola, I have to say there resides in this Department no remedy for the evils of which you complain. I cannot act save by the authority of law, and under the law volunteers in the Confederate service furnish their own clothing and receive therefor commutation. The provisions of the law are plain and positive, as follows, to-wit:

Said volunteers shall furnish their own clothing, . . . and when called into actual service, and while remaining therein, . . . instead of clothing, every non-commissioned officer and private shall be entitled to money in a sum equal to the cost of clothing of a non-commissioned officer or private in the Regular Army of the Confederate States.

Your Excellency will thus perceive that, however profound my sympathies may be with our gallant volunteers, I have no discretionary power by which I can supply clothing to the Georgia troops. The law, in fact, was intended, in view of the pressing exigencies demanding a large force in the field, without an organized quarter-

master establishment, to supply the very deficiency that you bring as a charge against the service.

I have the honor to be, very respectfully,

Your obedient servant,

L. P. WALKER.

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WAR DEPARTMENT, C. S. A.,

MONTGOMERY, May 9, 1861.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: Your letter of the 4th of May was received yesterday, and should have been answered by return mail but for the pressure of engagements during the day. I assure Your Excellency I profoundly appreciate the solicitude you feel in regard to the coast defenses of Georgia, but they have not escaped my attention. Prior to the receipt of your letter on the 4th of May, General Lawton's command was extended to embrace the coast, and he was ordered to report all necessary defenses. So soon as this report is received here no time will be lost in executing the measures recommended for the security of your citizens. Should it be required to make special requisition upon Your Excellency for troops in this connection it will be done. Respectfully,

L. P. WALKER.

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 13, 1861.

HON. L. P. WALKER,

*Secretary of War, Montgomery, Ala.:*

SIR: In reply to your note of the 7th instant, in which you say "I wish to know if Your Excellency will feel authorized to transfer to the Confederate Government the sulphur and saltpetre purchased some time since for the State of Georgia and still in your possession, provided cash payment be made for it," I will state that I will feel authorized to make such transfer, provided the Confederate Government will at the same time and on the same terms accept the transfer of all the ordnance, shot and shell which have been procured by this State from the Tredegar Works since the beginning of our present troubles, and also the steamer *Huntress*, recently purchased from parties in New York at the price of \$15,000, with the necessary attending expenses incurred in bringing her to Savannah. This steamer was purchased to be used in our coast defense, but has been as yet mostly used in transporting troops and military stores between Savannah and the forts and coast below. It is true this steamer is not altogether such a boat as I would have purchased had I been unlimited in my selections, but at the time the selection was the best that could be made, and with some alterations will, it is thought by competent judges, be useful along our coast and inlets. The ordnance proposed to be transferred is mostly—I believe entirely—of heavy caliber, suited only for sea-coast de-

fence; all which, together with said steamer, now that the Government of the Confederate States has assumed by authority all control over the forts and military operations in Georgia, have become to the State separately, of no value. Hence I consider it but just that in transferring the powder materials above alluded to (and which are now worth, and would undoubtedly command in the market, a much larger sum than they cost), the Confederate Government should accept also the said ordnance, shot and shell, and the steamer at what they actually cost the State.

If your proposition thus modified shall meet the approval of the Confederate Government, I shall hold myself in readiness to cause the transfer to be made at any moment designated. Some days since I caused to be sent to you by the adjutant and inspector-general a statement of the quantity and cost of the said powder materials, from which you will perceive they were bought at a low price.

I have the honor to be, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

P. S. The cost of mounting the guns above alluded to of course will be also taken into the account in making the transfer.

MONTGOMERY, May 13, 1861.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

If you will let me know what your contract with Tredegar Works is, it is more than probable that I will take it.

L. P. WALKER.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 15, 1861.

HON. L. P. WALKER,

*Secretary of War, Montgomery, Ala.:*

SIR: Having received conflicting information as to the terms upon which State volunteer troops will be received into the service of the Confederate States, I respectfully request you to give me by letter, as soon as convenient, definite and explicit information on the subject. I am led to make inquiry in this way because from the unequivocal tenor of your dispatches of a few days since, I was under the impression that none but volunteers for the war would be received, and today I have been shown a letter from the Secretary of one of the Departments at Montgomery, stating that the late act is not construed there as requiring all tenders of service to be for the war, but that it is considered only cumulative, and does not

repeal the old act, under which troops were received for one year, and that recruits for one year may be received into the service still, while under the last act they may be received for during the war. I beg to be informed, if this is so, can volunteers still be received into the service, regardless of or under the late law, for the term of one year.

In accordance with the unequivocal import of your late telegram that the term of service would hereafter be in all cases for the war, I issued a circular note of this fact to all the organized volunteer companies in the State, stating to them that their former tenders of service, having been made for the term of one year only, had become void by the supposed extension of the term of service, and that if they still desired service they must renew the tender for the war. To this order several companies, being anxious for service, have already responded, renewing their tenders for during the war. While it may be reasonable to expect that, although the term of service may be restricted to during the war, our volunteers will with alacrity respond to whatever calls the Confederate Government shall make, through the Executive, upon Georgia for troops, provided twelve-months' volunteers are not accepted also—if this be the case it is apprehended that no companies will volunteer for the war if others are allowed to enter the service for one year only. I must confess that conflicting information upon this subject which has reached me has tended in no small degree to embarrass my operations in receiving tenders of service from the companies of the State, and it has been a source of perplexity and annoyance to the volunteers themselves. If troops will be received for twelve months, then I have no hopes of ob-



taining any for a longer term of service, or a very few at the most. If none are to be accepted for a term less than for the war, then I think as many can be had for that term of service as will be required of Georgia. An early reply is respectfully solicited.

I have the honor to be, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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MILLEDGEVILLE, May 16, 1861.

HON. L. P. WALKER:

In your telegram of the 6th instant you instruct me to make arrangements somewhere for two regiments instead of one, meaning the one then rendezvousing at Macon and one other. I have complied with your requisition, and now have the companies for the other regiment in camp ready to rendezvous on the shortest notice. They will consent to go into service for the war. What day and at what point in the State will you receive them? I will arm and equip them. They wish to march at once, as they are on heavy expense in camp. Are fine troops, well drilled. If you will accept these troops under your requisition immediately, I will then arm and equip Colonel Gartrell's regiment at once. He is now here. Please answer immediately, as he wishes to leave for home. Answer quick.

JOSEPH E. BROWN.

MONTGOMERY, May 16, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Will receive the regiment for the war at once, and will muster it in at the point you designate. They will be ordered to Richmond, and must move without delay. Let me know when and where it will rendezvous.

L. P. WALKER.

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MILLEDGEVILLE, May 17, 1861.

HON. L. P. WALKER:

Will rendezvous the regiment at Atlanta to-morrow week. Will you accept it with twelve companies? That number anxious to go. Will rendezvous Colonel Gartrell's as soon as other is off.

JOSEPH E. BROWN.

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MONTGOMERY, May 17, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

The regimental organization is ten companies. No more, therefore, can go into the regiment. Under the

law passed a few days since, companies tender their services here for the war. Some of these companies from your State have been armed by the State. I understand you have issued proclamation that no company so tendering for service out of the State must carry their arms with them. The one object of the bill was to prevent delay when prompt action is so necessary. Now, I propose, if you will recall this order and permit the companies to take their arms, to supply you from the arsenal the number so taken. I hope, in view of the emergency, that you will consent.

L. P. WALKER.

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MILLEDGEVILLE, May 17, 1861.

HON. L. P. WALKER:

I have responded very promptly to every call made on me for troops. The late act of Congress, to which you refer, authorizing tenders of troops to the President independent of State authority, I regard as a very dangerous infringement of State rights. I can in no degree increase dispatch in organizing regiments, as you have ordered from the Augusta Arsenal to Virginia all the new guns in the arsenal, with which, I think, Georgia troops should have been armed. I cannot consent to exchange what few guns still in the possession of the State, purchased by her, for the altered muskets now in the arsenal.

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA,  
WAR DEPARTMENT,  
MONTGOMERY, May 18, 1861.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: In reply to Your Excellency's letter of the 13th of May, relative to the transfer to this Government of the sulphur and saltpeter in possession of the authorities of Georgia, I have the honor to say that this Department will take all your purchases of ordnance and materials for ammunition, but trust Your Excellency will not insist on the proposition submitted as to the steamer Huntress. A draft on the basis of the letter of General Wayne of the 17th of May had already been transmitted to Your Excellency for the sulphur and saltpeter before the receipt of your letter of the 13th of May.

Respectfully, your obedient servant,

L. P. WALKER.

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MILLEDGEVILLE, May 18, 1861.

HON. L. P. WALKER:

Do you make requisition on me for Colonel Gartrell's regiment and for the Savannah volunteer regiment in addition to the Sixth Regiment which is to rendezvous in Atlanta 25th instant? If so please state where you wish the two regiments mustered into service.

JOSEPH E. BROWN.

MONTGOMERY, May 18, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

I make no requisition for Gartrell's regiment. My letter to him will disclose the circumstances under which it was agreed to be received. Beyond this the matter rests with Colonel Gartrell and yourself. Nor do I make any requisition for the troops for Savannah. General Lawton can explain.

L. P. WALKER.

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MILLEDGEVILLE, May 21, 1861.

HON. L. P. WALKER:

Your letter received. The saltpeter and sulphur now worth in market twice what the State paid. You must take it and the ordnance and ammunition and boat together at the price the State paid for all. Will accept C. S. bonds for price of boat, balance in cash.

JOSEPH E. BROWN.

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MONTGOMERY, May 22, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

General Wayne, in his letter of the 7th, distinctly stated that we should have saltpeter and sulphur. You

now require me to take the steam-boat, for which we have no use. I trust you will not insist on what under the circumstances is impossible.

L. P. WALKER.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

MONTGOMERY, May 22, 1861.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: I have the honor to acknowledge Your Excellency's favor of the 15th of May, and can well appreciate the embarrassment under which Your Excellency labors in respect to the apparent conflict of the rules of this Department as to the periods of service in the Army, but a brief explanation of the matter, I feel quite sure, will relieve this difficulty in your mind. Congress in the beginning, as you are aware, passed bills with regard to the organization of a "regular army" and the raising of "provisional forces." Afterward a further bill was passed to "provide for the public defence," under which requisitions were authorized for troops to serve twelve months. More recently amendatory acts have been passed, giving to this Department the discretionary power to receive forces for the war.

So long as hostilities with the North were only apparent, this Department proceeded to act simply in the line

of the organization of the Regular Army, in providing temporary forces for the recovery of our forts, arsenals and dock-yards but, with the reduction of Sumter, it soon became necessary to make requisitions, under the act to provide for the public defence, for troops to serve for the more extended period of twelve months. While this Department was thus engaged in receiving companies, battalions and regiments, it was scrupulous not to accept independent corps, and it always replied to such offers as it did to Colonel Gartrell, that no troops could be received from within the limits of the Confederate States save through the several State Executives. The Congress now assembled, and in view of the proclamation of Mr. Lincoln at Washington calling for enrollments for three years and enlistments for the war, indicating preparations on the part of the enemy for a prolonged contest, our representatives, in their wisdom, passed amendatory laws authorizing this Department to receive volunteers for the war. They moreover, in order to facilitate the formation of forces capable of meeting the enemy, invested this Department with the further powers of accepting direct tenders without the intervention of State Executive authority.

It should not be forgotten that these things have all transpired in the course of three months, the one rule and the one line of action following rapidly upon the heel of the other, and being well calculated to create the impression of a want of persistency in the Government upon the services of military services. The determination of this Department finally reached, in view of the whole question in its multiplied relations, is that troops armed and equipped by the Government must serve for the war, but volunteer corps may be received

to serve for twelve months who present themselves ready armed and equipped. It is properly the policy of the Government to arm those troops that are willing to serve for the war in preference to those who offer only for twelve months. The supply of arms is not superabundant, and from present indications it is believed that the number offering for the war will be more than sufficient to exhaust our supply of arms. This result may follow without giving us all the men in the field we desire to place there, and the deficiency may be supplied by receiving troops, already armed and equipped, to serve for twelve months.

It is evident the Government at Washington is preparing for a prolonged and bloody war. The proclamation of Mr. Lincoln calling for enrollments for three years and enlistments for the war clearly shows a resolution to convert all their forces from the character of raw militia and volunteers into trained and disciplined regulars. Through this movement Your Excellency will perceive they at one and the same time inure their troops to campaign life and the battlefield and promote economy of administration. Their calculation is that often heretofore made, and was notably practiced by the Roundheads against the Cavaliers through the genius and skill of Cromwell. It is supposed now, as then by that great captain, that the impetuosity and superior dexterity of our men in the use of arms will cause the earlier victories to lean to our side, but that trained, disciplined and solid battalions will prove in the end triumphant. Nor will it be denied that the heaviest relative expense of an army is demanded during the year of its general enrollment and equipment. For us to disband each of our regiments at the end of twelve months' service would be to entail upon



the Government the largest yearly expenditures and to keep our armies constituted for the most part of raw recruits, while the adversary was constantly diminishing his relative expenditures and advancing more and more in every element that constitutes effectiveness. Under these circumstances we should of course, as near as may be done and as we have been doing from the first, conform our periods of service in the field to those of the enemy, thus at all times securing for our soldiers the advantage of their original superiority.

With this exposition before you I trust Your Excellency will think proper to countermand General Orders No. 8, issuing from the office of your adjutant-general. That Your Excellency caused these orders to issue under misapprehension as to the action of this Department I have never doubted. If they had been issued because of attempts made by this Government to enlist troops in Georgia under the Act of Congress "to provide for the public defence," and the requisitions of the President in accordance therewith, without consultation with Your Excellency or regard to your wishes, they would be considered here, however impolitic, as sternly just. But presented in the face of the law of Congress, which anticipates and permits the arming of troops by the States from whence they are called by this Government, and in negation of the recent acts of Confederate wisdom empowering this Department to receive volunteer corps without intermediate consultative delays, I cannot do otherwise than express my profound regret at their existence. In the passage of the laws of Congress controlling this Department the representatives of Georgia concurred, and I assure Your Excellency I know of no consideration extended elsewhere by the Confederate Gov-

ernment, and withheld from Georgia. Every effort of State as well as Confederate authority is demanded for the maintenance of our independence of a power whose chief element of political rule is the sword of despotism, and yet under these orders companies in Georgia armed for the desperate struggle are disarmed by Your Excellency. I sincerely hope Your Excellency will consider them no longer necessary either to the security or dignity of Georgia.

I have the honor to be, with high consideration and respect, your obedient servant,

L. P. WALKER.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

Montgomery, May 25, 1861.

His Excellency, JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville:*

Sir: Understanding your resolution not to permit any troops in Georgia now armed by you to leave that State with their arms, and the immediate necessities of the public service requiring troops that are armed, while this Department has but a limited supply of muskets at its disposal, I have to say to Your Excellency that all the regiments that you will present armed and equipped will be received into the Confederate service for twelve months, although it is highly desirable they should be

enrolled for the war. I trust Your Excellency, with your usual promptness of action, will respond to this overture.

Respectfully,

L. P. WALKER.

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HEADQUARTERS, VIRGINIA FORCES,

Richmond, Va., May 26, 1861.

His Excellency, GOVERNOR BROWN,

Of Georgia:

Sir: I deem it proper to call your attention to the fact that many of the volunteer companies from your State have arrived at Richmond without arms. The demand upon Virginia has been so great that all arms have been exhausted, except the old flint-lock muskets. It is apprehended that the troops thus provided will not do themselves justice, opposed to an enemy whose arms are so much superior. I thought it probable that you would like to provide the men of your State with such better arms as may be at your disposal, and therefore take the liberty of bringing this matter to your notice. The proximity of Virginia to the scene of action has induced the organization of a large force of cavalry, in consequence of which all the cavalry arms and equipments have been exhausted. If, then, you have to spare any pistols, carbines, or equipments for that arm, you would greatly further the common cause by sending them to Richmond.

Allow me to express the hope that you will give these matters your early attention.

I am, etc.,

R. E. LEE,

*Major-General, Commanding.*

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RICHMOND, VA., May 29, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Troops, armed and equipped, ammunition included, are much needed. Please urge such forward with all practicable dispatch.

JEFF'N DAVIS.

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ATLANTA, GA., May 29, 1861.

PRESIDENT JEFFERSON DAVIS:

Will hasten through the two regiments on hand, armed with muskets of 1842, with all possible dispatch. Will order to you, by express from Milledgeville, 10,000 ball and 10,000 buck-and-ball cartridges. Will continue to do all I possibly can to aid you.

JOSEPH E. BROWN.

ATLANTA, GA., May 31, 1861.

HON. JEFFERSON DAVIS,

*President of the Confederate States of America,*

Richmond, Va.:

My dear Sir: I had the honor to receive your telegram about General Gartrell's regiment, and it is being mustered in according to your wish. Colonel Colquitt's regiment has gone forward and I will try to have Gartrell's all off by Saturday night. I shall then order another regiment to rendezvous in a few days, which, together with the regiment being raised by McDonald and Anderson, I will arm and equip as soon as possible. Part of the material of these regiments will be in great need of drill, and I should be very happy, after they are mustered into the service, if they could be thrown into camp of instruction, either here or in Virginia for two or three weeks. Since I saw you I have met Judge H. R. Jackson, and have mentioned to him our conversation in reference to his appointment as brigadier-general, and he is much delighted at the prospect. If I could receive a commission at Milledgeville in a few days for him it would be a source of highest gratification, and I know that Jackson would highly appreciate and gratefully remember the compliment. He is a gallant man, and would, in my opinion, exert all his powers to serve you and the common cause with ability and fidelity. If he were appointed soon he would take great interest in the organization and preparation of the two regiments, which would greatly aid me, and I promise you in that case I would arm and equip them in the very best style in my power with as little delay as possible, and I will do all I can to add to the

number, very soon after they are off, still another armed regiment. I assure you I feel great interest in this application. If I can furnish the troops above proposed, Georgia will have six or seven regiments in Virginia and no general. A dispatch to me at Milledgeville by Monday saying that my request for Jackson will be granted would greatly oblige, and would give increased energy to all our movements.

I am, very truly, yours, etc.,

JOSEPH E. BROWN.

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MILLEDGEVILLE, June 1, 1861.

PRESIDENT DAVIS:

I wish you would direct Colonels Conner and Brumby and other colonels whose regiments are accepted under direct tender to you to order their companies to obey my orders about leaving their guns. It is said some of the companies will attempt to carry them, which will make it my duty to order them to be arrested. I am doing all I can to put every gun at my command into the service, and am sending in the State regiments fully equipped. This I will continue to do with all possible promptness. I deprecate anything like conflict between State and Confederate authority, and I feel sure you will not encourage any company to disobey my orders. I impose no restraint, only that they leave the State's arms. You shall have no cause to complain of my promptness in responding to every call while I have a gun. Please answer, as I am anxious to have the spirit of insubordination to

State authority checked. If compelled I shall be obliged to use the means necessary to check it. A word from you to the colonels will stop it. Order General Phillip's brigade into camp of instruction Tuesday. Another regiment will rendezvous for Virginia at Atlanta on Wednesday, and another in a few days.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

June 5, 1861.

HON. L. P. WALKER,

*Secretary of War:*

Sir: During the past winter I purchased and had shipped to Savannah a large lot of powder for the use of the State of Georgia. Subsequently a part of it was forwarded to Augusta, and, under the direction of Mr. Butt. of that city, was stored in the magazine in which was deposited the powder seized at the capture of the arsenal. The powder owned by the State is now claimed by the officers of the Confederate States in charge of the arsenal and magazine as the property of the Confederacy, supposing it to be the powder transferred with the arsenal, etc., to that Government. The powder specified in the receipt given under my directions to the U. S. officer in command at the time of the surrender of the arsenal is as follows: Four hundred pounds canister powder, 7,932 pounds musket powder, and 10,877 pounds rifle powder.

Mr. Butt can unquestionably identify that as the powder claimed by me, which is about 39,000 pounds. I beg you will cause an order to be issued to the proper officers authorizing the delivery to me of the powder belonging to the State.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

P. S.—The balance of the powder purchased by me (100,000 pounds in all) was left in Savannah and at Fort Pulaski for the use of the Confederacy, and will be charged to that Government. That now in Augusta I want, that it may be converted into cartridges at the penitentiary in this place.

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MILLEDGEVILLE, June 8, 1861.

ADJT.-GEN. S. COOPER:

At Colonel Conner's request I state that I make no objections to the reception of his regiment into service if they do not carry out of the State their arms or equipments.

JOSEPH E. BROWN.

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ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,

Richmond, June 14, 1861.

His Excellency, JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

Sir: Your letter of the 8th instant to the President,



conveying a copy of your telegram of the 7th, has been referred to this office. In answer I am instructed to inform you that the President telegraphed Your Excellency to the effect that he fully recognizes your position in reference to the arms, and that he would sustain that position. On the 10th instant Col. Z. T. Conner was telegraphed at Macon from this office, in answer to a tender of his regiment, that his regiment could not be accepted unless it was armed and equipped, and that the Governor of his State had declined to arm and equip it. On the 11th he telegraphed that he had everything but arms; that two companies arrived at Richmond and four on the way.

Very respectfully, your obedient servant,

S. COOPER,

*Adjutant and Inspector-General.*

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RICHMOND, June 15, 1861.

GOVERNOR J. E. BROWN,

Atlanta, Ga.:

The Ninth Regiment of Georgia Volunteers will proceed to Richmond, where it will be mustered into service.

L. P. WALKER.

MILLEDGEVILLE, June 18, 1861.

PRESIDENT JEFFERSON DAVIS:

I have General Phillips' brigade in camp of instruction. Will organize the mountain regiment next week. Will arm and equip both. They go for the war. Will undertake to comply with your wish to supply an armed regiment in place of Semmes', now at Brunswick, except the sea-coast company, Captain Styles. Will retain him and put company in his place, provided your quartermasters can arrange supplies of provisions for the new companies as they arrive at Brunswick, and you will have them mustered into service as the companies arrive, with fifty to eighty rank and file each, and let them hold elections for field officers when the ten companies assemble. My quartermasters have all they can do at present supplying brigade and preparing for next regiment. If you arrange supplies for new regiment as it assembles at Brunswick you can order Colonel Semmes to Virginia at your pleasure. He lacks 500 accoutrements, which I will try to supply very soon. Please answer immediately, and say what you will do.

JOSEPH E. BROWN.

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RICHMOND, VA., June 18, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Your dispatch to the President is received. Troops mustered into service by companies must conform to Con-

federate organization, having not less than sixty-four rank and file. If the regiment is organized before mustered into service the organization of the companies must conform to your State law, and the regiment, in order to be entitled to elect its field officers, must do this before being mustered into service; otherwise the President would appoint the field officers.

L. P. WALKER.

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MILLEDGEVILLE, June 18, 1861.

PRESIDENT JEFFERSON DAVIS:

The reply of the Secretary of War makes it impossible for me to supply the regiment in place of Colonel Semme's regiment at present.

JOSEPH E. BROWN.

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ATLANTA, June 25, 1861.

[SECRETARY OF WAR:]

Just returned to railroad. My headquarters here for some time. Have consented that Troup Artillery go to Virginia with their battery of four pieces, and have given them check for \$1,200 to purchase harness. Are subject to your orders at Savannah.

JOSEPH E. BROWN.

SAVANNAH, June 26, 1861.

MAJ. J. GORGAS:

Governor Brown just ordered the arsenal-keeper not to issue anything to the order of a Confederate officer for the present. This locks up half a million caps and stops cartridge-making. I should like to see you and explain matters about the State ordnance.

W. G. GILL.

*Captain of Artillery and Ordnance Officer.*

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ATLANTA, June 27, 1861.

HON. JEFFERSON DAVIS,

*President of the Confederate States of America:*

DEAR SIR: I am greatly obliged by the assurances received from you that my course in reference to the arms belonging to the State of Georgia meets your approval. I am sending into the Confederate service as fast as possible Georgia Regiments fully armed and equipped. This I shall continue to do as long as I have men with guns, but I can only consent that the arms belonging to the State leave the State under my direction. I regret to have to call your attention to the fact that certain companies in this State connecting themselves with regiments usually called Confederate or independent regiments are carrying the State's arms with them in open violation of my orders. I am informed to-day that a company known as the Floyd Sharpshooters, from

Rome, commanded by Captain Hamilton, which has just left the State in what is usually known as the Morrison Regiment, which, it is now said, is to be commanded by Colonel Smith, have carried, or caused to be transported beyond the limits of the State, sixty muskets of the model of 1842, which were at Rome, belonging to the State. This has been done in palpable violation of my orders. The guns were sent from Rome to Dalton in a wagon in boxes and thence out of the State, and are now doubtless in possession of the company in Virginia. For the purpose of stopping these illegal seizures and removal of the State arms in future, I hereby demand the return of the arms to me by express to Atlanta immediately, and ask you, as the company is now under your command and beyond my control, to pass such order as is necessary to secure the speedy return of the arms of which the State has been wrongfully deprived in the manner above mentioned.

JOSEPH E. BROWN,  
*Governor of Georgia.*

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ATLANTA, June 27, 1861.

HON. L. P. WALKER, .

*Secretary of War:*

The Tenth Regiment Georgia Volunteers will rendezvous at Atlanta on next Monday. Who will muster them into service? Must be mustered in at Atlanta.

JOSEPH E. BROWN.

ORDNANCE OFFICE, June 28, 1861.

HON. L. P. WALKER,

*Secretary of War:*

SIR: From the inclosed letter of Military Store-keeper Humphreys it appears that the State of Georgia probably owns 29,000 pounds of cannon powder, stored in the magazine at Augusta Arsenal.

Respectfully, your obedient servant,

J. GORGAS,

*Major and Chief of Ordnance.*

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[Inclosure.]

AUGUSTA ARSENAL, GA., June 24, 1861.

MAJ. J. GORGAS,

*Chief of Ordnance, C. S. Army, Richmond, Va.:*

SIR: I have the honor to return the letter of Governor Brown to the Honorable Secretary of War,\* and in compliance with the indorsement upon it to report that upon a careful examination of the contents of our magazine, I find on hand 394 barrels Du Pont cannon powder, 1860, 9 barrels old, and 400  $\frac{1}{4}$  barrels Hazard powder, making of the Du Pont and Hazard powder, 49,000 pounds. Deduct the 200 barrels received a short time since by me from Memphis, and we have 29,400 pounds of cannon powder, which is probably the powder

claimed by Governor Brown. I find upon inquiry of Mr. Butt that 10,000 pounds of powder were shipped from our magazine during its occupancy by the State to Charleston and Savannah. This would make 39,400 pounds, or 400 pounds more than claimed by His Excellency. I have but 9 barrels musket or rifle powder of Du Pont's or Hazard's make on hand of recent date. I have 20 barrels of 1838 and some of Garesche 1839. This powder, though, was that originally owned by the United States. We have on hand 24 boxes of 12-pounder canister-shot, fixed, and 3 boxes of 6-pounder shot, fixed. Shall I not send them to you?

Very respectfully, I am, sir,

Your most obedient servant,

F. C. HUMPHREYS,

*Military Store-keeper of Ordnance, C. S. Army.*

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\* See June 5, 1861.

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CAMP McDONALD, June 28, 1861.

HON. L. P. WALKER,

*Secretary of War:*

DEAR SIR: I have a fine brigade of State troops now in camp at this place. The brigade is organized under an act of our State Legislature for the defense of the State. It is a fine body of men, consisting of two regiments, armed with muskets, model of 1842; one battalion of rifles, armed with new Harper's Ferry rifles; one battalion (four companies) of artillery, armed with muskets of model of 1842, and now being practiced in

the school of the piece, with a half battery of artillery; also a battalion of cavalry (four companies), well armed and on good horses. I have just written the President tendering this brigade for the war. In the letter to him I have gone more into detail. I should like to know soon whether the brigade will be accepted. If so, I wish to equip it thoroughly in the shortest time possible.

I had a letter a few days since from General Lawton on the subject of the removal of Colonel Semmes' regiment to Virginia. The General thinks the public interest would be promoted by taking three or four companies of cavalry armed with Sharps or Maynard carbines into the regiment to be raised to take Colonel Semmes' place. The cavalry would be used for rapid skirmish and as sharpshooters along the coast. On yesterday I saw Capt. W. J. Lawton, who commands the Dougherty Guards, at Albany. He is armed with Sharps carbines, and says he has tendered to you, and that you have agreed to accept him if I will permit him to use the State's arms. In the event you will accept a few companies of cavalry on the coast as part of the regiment to take the place of Colonel Semmes, I will order him among the number, and will furnish other companies armed with good carbines. I cannot, however, organize the coast regiment at present unless you will engage to take charge of the men by your quartermaster and supply their wants by rendezvousing. Please let me know your decision on the points mentioned as soon as convenient.

I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.



CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, June 29, 1861.

MAJOR GORGAS,

*Ordinance Bureau:*

SIR: Your communication of the 28th, returning Governor Brown's letter to me of the 5th instant, and also covering one to yourself from Mr. Humphreys, military store-keeper at Augusta, of date the 24th, has been received. I think the facts show that Governor Brown is entitled to 29,000 pounds of powder in the arsenal, and you will, therefore, direct it to be delivered to him.

Respectfully,

L. P. WALKER,

*Secretary of War.*

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RICHMOND, June 29, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Captain Gill telegraphed from Savannah that you have ordered arsenal-keeper not to issue anything to order of Confederate officers. Will you please explain the facts.

L. P. WALKER.

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT,

June 30, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

SIR: In the presence of public danger precautionary measures are always wise. However confident of success an Administration may be, a failure to provide for all casualties that may possibly arise can never be pardoned. The fortunes of war are as various and changeable as are the talents and abilities of those conducting its operations. The Government of the Confederate States has no misgivings as to the future success of our arms and interprets no omen as presaging defeat. Nevertheless, the President deems it prudent, if not essential to the public safety, to form and organize a reserved arms corps of 30,000 men, and to apportion to Georgia the quota of 3,000. Your Excellency will therefore receive for the war 3,000 men, by independent companies, each company to be composed of 1 captain, 1 first lieutenant, 2 second lieutenants, 4 sergeants, 4 corporals, 2 musicians, and from 64 to 100 privates. For this purpose you are authorized to establish two camps of instruction at accessible points, where you will order these companies to rendezvous, and where they will be mustered into service by companies. These camps of instruction will be under the control of this Department, and the President will assign competent officers to take charge of them, the object being to drill and discipline the men. From time to time the President will organize

these companies in battalions or regiments, as he may prefer, and will appoint the field officers and the staff. It will not be a prerequisite to accepting these companies that they shall be armed, although it is hoped that many of them will be. In addition to the above requisition the Confederate States will need from Georgia two companies of cavalry, numbering from 60 to 100 men each, in order to complete the army corps contemplated by the President. These companies of cavalry, when furnished, will rendezvous, with like companies from other States, at Corinth, in Mississippi, and not at the camps of instruction in Georgia. All the companies of cavalry there collected will be drilled by suitable officers and prepared for active and efficient service in the field. They must be armed and equipped to be received. Each company of cavalry should consist of 1 captain, 1 first lieutenant, 2 second lieutenants, 4 sergeants, 4 corporals, 1 farrier, 1 blacksmith, 2 musicians, and from 60 to 100 privates.

Very respectfully,

L. P. WALKER,

*Secretary of War.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, July 1, 1861.

His Excellency JOSEPH E. BROWN,

Milledgeville, Ga.:

SIR: A letter was yesterday addressed to you from

this department, as well as to the Governors of certain of the other States of the Confederacy, requesting them to furnish the quota of men apportioned to each of their States, respectively, in order that the Government might have organized a reserved arms corps of 30,000 men. In addition to the above, it has been deemed essential by the President, under all the circumstances at present surrounding the Government, that several other regiments from the States should be speedily gotten into the field. Georgia has never yet hesitated to give a patriotic response to calls made upon her by this Government for troops, and the President has no fears that she will hesitate or falter now. With this consciousness he makes hereby a requisition with entire confidence upon you for two regiments of infantry, armed and equipped, whose services are to be tendered for the war. He expresses the hope that you will have them ready for the field at as early a day as practicable. It will perhaps be proper to state here that, being called for in regiments, these troops will have the right to select their own field officers—all officers, in short, except the staff officers, to-wit: the assistant quartermaster, the assistant commissary, surgeon, and assistant surgeon, who will be appointed by the President.

Very respectfully, your obedient servant,

L. P. WALKER.

*Secretary of War.*

ATLANTA, July 2, 1861.

HON. L. P. WALKER:

In reply to your dispatch asking explanation about the arsenal at Savannah, I state that the arsenal and its contents are the property of the State. I can only permit supplies to be issued from it by a State officer under State authority, for which receipts must be given by a Confederate officer if he receives the supplies. Your officer at Augusta has looked up in the magazine a large quantity of powder purchased and placed there by the State. I have written, asking an order that he deliver the State property, to which I have received no reply. Will you please explain?

JOSEPH E. BROWN.

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RICHMOND, VA., July 4, 1861.

GOVERNOR J. E. BROWN,

SIR: Can you furnish a volunteer regiment—five companies mounted and five on foot? The mounted companies to be armed with breech-loading carbines, the foot companies to be armed with rifles. If agreeable and consistent, I wish you to give this regiment priority in the issue of arms and equipments.

JEFF'N DAVIS.

ATLANTA, GA., July 5, 1861.

HON. J. DAVIS:

Shall I order General Phillips' brigade to Bristol?

J. E. BROWN.

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HEADQUARTERS,

ATLANTA, July 6, 1861.

HON. L. P. WALKER,

*Secretary of War:*

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 30th of June, 1861, in which you say the President deems it prudent to organize a reserved army corps of 30,000 men, and to apportion to Georgia the quota of 3,000. You then request me to receive for the war 3,000 men by independent companies. You also state that I am authorized to establish two camps of instructions at accessible points, where I will order these companies to rendezvous, when they will be mustered into service by companies, and that the camps of instruction will be under the control of your Department; that the President will appoint competent officers to take charge of them and will appoint the field and staff officers, and that it will not be a prerequisite to accepting these companies that they shall be armed. You also state that you desire two companies of cavalry to rendezvous at Corinth, Miss.,

and that they must be armed and equipped to be received. While I protest against the right of the President under the Constitution of the Confederate States to appoint the field and staff officers for the 3,000 volunteers called for by you, and claim that the State of Georgia has this right, I will furnish the number of men required by the President, and will order them into camp of instruction at two convenient places so soon as you will inform me who will, under your instructions, receive the companies as they arrive at the place of rendezvous and make provision for their support and comfort. I have at present in camp of instruction a brigade of 2,500 men, well armed and equipped, which is intended to repel any invasion of the State. This brigade is organized under a special act of the Legislature of this State, and it now requires all the time of the State quartermaster to attend to its wants. I cannot, therefore, assist in the support of the 3,000 men required by you, nor can I promise to arm or equip any portion of them. The arms of the State are now nearly all in the service of the Confederate States, and as the funds at my command under the act of the Legislature are limited, I cannot engage to do more than equip such regiments as are organized as State regiments and such as are permitted to enter the service with field officers appointed by State authority. I will, if in my power, furnish the two companies of cavalry, armed and equipped. Having loaned the President 500 Sharps carbines for cavalry in Virginia, and having armed the battalion of cavalry now in the service of the State at Camp McDonald, I fear I may find it difficult to arm and equip the companies now required. Should circumstances render it necessary for the President to employ the services of a brigade of the

character above mentioned, I renew the tender heretofore made of the State's brigade, thoroughly armed and equipped.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

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ATLANTA, July 8, 1861.

HON. L. P. WALKER,

*Secretary of War:*

DEAR SIR: Your letter of the 1st instant was forwarded to me at Camp McDonald. You make requisition on me for two more regiments of infantry, armed and equipped, in addition to the 3,000 men required by companies by your letter of the day previous. I do not understand you that these two regiments are required as a part of Georgia's just quota, as I am satisfied you will admit she has done as much as her just proportion when she shall have furnished the 3,000 men added to those already sent forward. I am not disposed, however, to discuss the question of quota. If the troops are needed and the wishes of the government of Georgia in matters vital to her interest and her honor are respected, I shall do all in my power to gratify every wish of the President. The brigade now in camp of instruction is organized in strict conformity to the statute of this State and is a splendid body of men, thoroughly armed, and in a few days will be fully equipped. In its organization I have but carried out the law of this State, and I now have



the men so trained that I feel that they are prepared for service. If the object of your requisition is to take from this brigade the two regiments and then reject the three battalions and the commanding officer, I most respectfully decline to comply with the requisition. I will, however, do all in my power to collect, in the shortest time possible, such companies in the State as have arms, and form out of them two regiments, with which I will fill the requisition. I may be able, probably, to equip them; if I should not, you will, I trust, feel that I do not ask too much when I request that you do for Georgia what you have done for other States—equip part of the troops which she furnishes you under requisition. I wish to act in a spirit of liberality in the whole matter and trust you will do the same. I therefore make you this frank proposition: If you will receive the brigade as it is, armed and equipped, with General Phillips in command, or if there is any question about your right to receive a brigade, then receive the regiments and battalions and appoint him to the command, I will consent that you appoint all his staff officers except one confidential aide, and I will, at any cost of labor or expense to myself or the State, within ten days from the date of your acceptance of this proposition, furnish you in addition to the brigade two other regiments, as fully armed and equipped for the field as have been former regiments furnished by me. I trust you will meet this proposition in the spirit of kindness in which it is made. It is equivalent to an officer to furnish you five regiments, armed and equipped, in ten days, if you will accept them and appoint to the command of the brigade the officer who is the choice of every officer now under his command. I will address to the President a short note on

this subject, and I respectfully request that you lay this letter before him and call his attention to its contents. I feel that my request is a reasonable one and that I have a right to hope, in behalf of the State, that it will be granted. If so, please telegraph me at Atlanta that it has been considered and my proposition accepted, and I will exercise the utmost diligence in complying on my part.

I have the honor to be, very respectfully, etc.,

JOSEPH E. BROWN.

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RICHMOND, July 8, 1861.

GOVERNOR J. E. BROWN,

ATLANTA, GA.:

Dispatch received. Send the regiments to Bristol.

JEFFERSON DAVIS.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, July 11, 1861.

His Excellency JOSEPH E. BROWN,

Atlanta, Ga.:

SIR: Your several communications of June 28 and July 6 and 8 have been received. By the policy adopted,

with the approval of the President, in carrying out the law of Congress, it was not intended to oppose the policy of the State in the matter of field officers of regiments. The purpose was to get companies rapidly into camps of instruction, and it was thought practicable to furnish instructors for camps where the highest rank was that of captain; not so if colonels were present. No right is claimed by the President to require the Governors of the States to aid in this mode of raising an army, but it was supposed a request would be followed by co-operation. If, therefore, instead of companies you prefer to tender regiments, organized by yourself, so be it, and I hope your preference will cause no delay or loss of efficiency from pursuing that plan. The appointing power is one the exercise of which is far from desirable with the President, and in this, as in other things, I doubt not he will endeavor to harmonize his views with yours as far as the laws will permit, to the end that the public service will be promoted by cordial co-operation. In my previous letter making requisition for 3,000 men I requested that you would indicate the location of the camps of instruction. When this is done a quartermaster and commissary will be appointed for each camp, and officers will be detailed to take charge of them. Without promising such persons as you may suggest for quartermasters and commissaries will be appointed, I nevertheless request that you will name such persons as in your opinion are suitable for those positions.

I have the honor to be, very respectfully,

Your obedient servant,

L. P. WALKER.

RICHMOND, July 12, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

The crisis of our fate may depend upon your action. The two regiments you have organized are indispensable to success. For the sake of our cause and the country I beseech you to send them, without standing upon the point of the brigade organization. The President has no power to accept a brigade. If you refuse you will regret it. It is not necessary that I should say more. Semmes' regiment, about which the President wrote you some time since, I have been compelled to order here. You can doubtless supply its place in a few days.

L. P. WALKER.

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RICHMOND, July 12, 1861.

GENERAL A. R. LAWTON,

Savannah, Ga.:

You must also send here at once Semmes' regiment. Our necessities are imminent. I have telegraphed Governor Brown to supply its place.

L. P. WALKER.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, July 13, 1861.

HIS EXCELLENCY JOSEPH E. BROWN,

Atlanta, Ga.:

DEAR SIR: My attention has been called to a paragraph cut from one of the Georgia papers and inclosed to me by one of the Richmond editors. The paragraph referred to has some animadversions on an article which appeared in a Richmond paper on the subject of the arms of Georgia, and for which it would seem the Secretary of War is held, by implication, responsible. I have attentively perused the article commented upon, and really have failed to discover any purpose on the part of the editor to perpetrate any injustice upon you, or grounds for the Georgia editor's presumption of variance between the President—whose letters it appears he has seen—and myself in estimation of your official conduct. Now, in relation to all this matter, I may frankly say to you, in this unofficial manner, that there is no difference that I am aware of between the President and myself in regard to yourself. We both entertain, I am sure, the most cordial feelings of respect for your character, patriotism and public services, and we have agreed in the policy of making earnest appeals to you to permit any arms within your jurisdiction not in use to be wielded in a common defense against a common enemy. From this position we have the best means of knowing the imminence of the danger, and I can assure Your Excellency [that the President] and myself unite

in congratulations upon every manifestation of the determination of Georgia to maintain her full share of the responsibility and the glory in this momentous conflict.

Therefore I repeat to you my assurances of respect and friendly consideration, and trust that you will not allow the insinuations of an editor to create in your mind the impression that I am otherwise than, both officially and personally,

Your Excellency's obedient servant and friend,

L. P. WALKER.

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ATLANTA, July 14, 1861.

HON. JEFF. DAVIS,

*President Confederate States of America:*

I do not feel authorized by our statute to disband the brigade. If the act of Congress is in the way you can accept it as a whole by commissioning the general now in command.

JOSEPH E. BROWN.

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ATLANTA, GA., July 15, 1861.

L. P. WALKER,

After you learned from my letter the component parts of the State brigade, you made requisition on me, which

reached me ten days since, for two armed regiments, which are no part of Georgia's equal quota, probably with a view to disband the brigade. Waiving all questions of quota, I immediately put two new regiments under orders. They are now here in camp and are subject to your order, armed and equipped. You now demand the two regiments of the brigade as indispensable to success. The brigade which I am training at the State's expense under an act of her Legislature consists of two regiments and three battalions. The battalions are as good men and as well armed as the regiments. If the regiments are indispensable to our success, why are not the three armed battalions needed? I have tendered all together. If armed men are indispensable to success, I offer you 2,500 together in place of 1,500, and beg you, for the sake of our common cause, to accept them. If it is desired to do an act of justice to the State, the President can obviate all legal difficulties in the way of accepting them in a moment by commissioning the general in command. No truthful statement which can be made will show that Georgia suffers by a comparison of the part she has performed in the contest with that of any one of her Confederate sisters. While she has a man and a gun she will continue to do more than her equal part. If the threat of consequences to me for disobedience to your behests, which the language of your dispatch implies, is intended, rest assured it fails to intimidate.

JOSEPH E. BROWN.

RICHMOND, July, 16, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

I have just received your dispatch of the 15th. You wholly misapprehend the purpose and spirit of my telegram of 12th. It not only did not contain a threat, but was not intended to convey one. My sole object was to make an appeal to your well-known patriotism, based upon facts known to the Department, but which it would be highly impolitic to make public. Both the facts and the danger still exist, and in the best spirit toward you, both officially and personally, I renew the appeal.

L. P. WALKER.

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RICHMOND, July 19, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Do you not intend to let us have your saltpeter and sulphur?

L. P. WALKER.

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ATLANTA, GA., July 20, 1861.

JEFFERSON DAVIS,

*President, Etc.:*

I have offered all the saltpeter and sulphur and the



steamer Huntress to the Secretary of War, together, at original cost to the State in cash. If he accepts my proposition I will order it shipped to you direct.

J. E. BROWN.

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EXECUTIVE DEPARTMENT,  
ATLANTA, GA., July 20, 1861.

HON. L. P. WALKER,

*Secretary of War, Richmond, Va.:*

SIR: I have the honor to acknowledge the receipt of your letter of the 13th, in which you say your attention has been called to a paragraph cut from one of the Georgia papers animadverting upon an article which had previously appeared in a Richmond paper. I beg leave simply to say that I never till I read your letter had the least knowledge of the extract referred to, or of the article in the Richmond paper giving rise to it.

I have the honor to be, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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ATLANTA, August 1, 1861.

PRESIDENT JEFFERSON DAVIS:

In view of the emergency I am obliged to yield the brigade organization, as I am determined to send the

troops to the field. I consolidate the rifle battalion and cavalry and form a legion, which General Phillips will command as colonel. You consent that the artillery battalion of five companies, all armed with muskets, and half a battery of brass pieces, be attached to the legion, and would you give three more guns to complete the battery? I will commence shipping the troops Saturday. Where shall they go? Please answer immediately.

JOSEPH E. BROWN.

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RICHMOND, August 2, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Thanks for your decision as to the troops. The riflemen and calvary—say ten companies—can be well organized as a voltigeur regiment, but if there be five companies of each it is not well to organize artillery with infantry, as in the service of large armies they must soon be separated. Can furnish the three guns to complete the battery, and give more if you have other companies instructed as artillery. We have need of all the armed troops you can send. The artillery battalion, armed with muskets, will be accepted to serve as infantry, if you so wish it. Let the troops now offered proceed to Lynchburg, where they will receive further orders.

JEFF'N DAVIS.

## WAR DEPARTMENT,

RICHMOND, VA., August 7, 1861.

GOVERNOR JOSEPH E. BROWN,

SIR: The war existing between this Government and that at Washington will probably be prolonged during the coming winter, and in view of the rigor of the climate at that season on the line of the seat of war it is desired that our soldiers shall be well supplied with clothing. You are therefore requested to cause the quartermaster's department to have made up at an early day, to the extent of your ability, woollen clothing to supply the needs of the Army, to be charged to this Government. The necessity of this provision to meet the demands of the Army will be apparent to Your Excellency, and I am quite sure the measure proposed will receive your approbation, and that you will respond to it with alacrity. I must, however, say that this Department is doing everything in its power to provide clothing, and I have gone so far, in the absence of positive affirmative legislation upon the subject, as to assume the responsibility of directing the Quartermaster-General of the Confederate States to contract for the supplies that may be required. But Your Excellency is doubtless aware of the difficulties in the way of procuring a full provision in consequence of the blockade of our ports preventing importations and the limited quantity of goods in the general market. Hence it is the State governments are earnestly solicited to co-operate with our exertions to place the future beyond all doubt. .

L. P. WALKER,

*Secretary of War.*

ATLANTA, August 7, 1861.

PRESIDENT JEFFERSON DAVIS:

I can get no response from the Secretary of War to my letters or telegrams about the two new camps of instruction which he requires. I have recommended commissaries, quartermasters and surgeons as he requested. All ready to order out the troops at once if officers are appointed to take charge of them. Will the appointments be made? When do you wish the 3,000 men ordered into camp? Please answer.

JOSEPH E. BROWN.

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RICHMOND, VA., August 8, 1861.

GOVERNOR BROWN,

Atlanta, Ga.:

You dispatched the President I do not answer your telegrams or letters. I have answered both.

L. P. WALKER.

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ATLANTA, August 9, 1861.

HON. L. P. WALKER:

Your letter I have not received; only got your telegram yesterday evening. It was dated, however, then, the 5th—the fault of the line, it seems, not your fault.

JOSEPH E. BROWN.

CANTON, August 19, 1861.

PRESIDENT JEFFERSON DAVIS,

DEAR SIR: Under the requisition of the Secretary of War for 3,000 men to be thrown into camp of instruction at two different points in this State as Georgia's quota of 30,000 to be thrown into camp of instruction, I have ordered two regiments of 800 men each into camp at Camp McDonald, near Marietta. On Tuesday, the 27th instant, they will rendezvous. I have also ordered two regiments into camp at Camp Stephens, near Griffin, to rendezvous at the same time. This will be some 200 more than you required, but I supposed that would not be a matter of objection. In addition to this number, I have tendered a regiment raised by Col. E. W. Chastain, of Fannin County, who is very anxious to have them thrown into camp with the regiments at Camp McDonald, and there drilled. His company was from the mountain section of the State, and was made up of first rate fighting material. Colonel Chastain is very anxious to have his regiment received and ordered into camp. I have not arms and cannot arm them. He is of opinion he could get up enough of country rifles to arm half his regiment. Of this, however, he cannot be positive. He will only promise to do the best he can. Will you, under these circumstances, consent that Colonel Chastain's regiment be accepted and added to the other two regiments which are to compose the force in camp at Camp McDonald? An early answer will much oblige. I trust you will send forward the necessary officers to drill the regiments which go into camp on the 27th, and that you will cause full instructions to be sent

at once, if not already done, to quartermasters and commissaries, that they may know how to get supplies, camp equipage, etc. I should be glad to equip these men for the Confederacy, but find my appropriations running so short that it will not be in my power. Some of them have arms, but most of them will have none, and it is out of my power to supply them.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, August 27, 1861.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia,*

SIR: Your letter of the 19th instant, addressed to the President, has been referred to this Department. The regiment of Colonel Chastain may be added to the four you report under the requisitions recently made upon Georgia for 3,000 men, provided it be partially armed, as suggested by you. Your Excellency will oblige this Department by having these regiments equipped at the charge of this Government. The quartermasters and commissaries nominated by you have been appointed. They will procure the supplies needed, and make requi-

sition upon the Quartermaster-General and Commissary-General, on which proper funds will be remitted.

With high consideration,

L. P. WALKER,  
*Secretary of War.*

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EXECUTIVE DEPARTMENT,

ATLANTA, GA., August 31, 1861.

HON. L. P. WALKER,

*Secretary of War, Richmond, Va.:*

SIR: Your letter, dated the 7th instant, addressed to Governor Brown, at Milledgeville, was received here some days ago, and while the Governor was absent on public business. His Excellency now directs me to state that, while doubtful of his ability to procure any large quantity of the clothing needed for the soldiers during the coming winter, he will, nevertheless, do all in his power to carry out the views of your Department relative thereto, and will at once give the directions to the quartermaster-general's department of this State suggested in your letter.

Respectfully, your obedient servant,

H. H. WATERS,  
*Secretary Executive Department.*

SAVANNAH, September 8, 1861.

HON. L. P. WALKER,

There is much alarm here about the coast. Stronger force and vigorous action absolutely necessary. Will you increase the force and quicken the energy, or will you furnish funds to support troops and appropriate prompt State action for that purpose? I wish to avoid all conflict of authority, but prompt action is indispensable. Please answer immediately.

JOSEPH E. BROWN.

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RICHMOND, September 9, 1861.

GOVERNOR BROWN,

Savannah, Ga.:

In a letter to General Lawton I have ordered him to increase his force as he may deem necessary. All legitimate expenditures for this purpose within the line of his approval will be paid by the Government.

L. P. WALKER.

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EXECUTIVE DEPARTMENT GEORGIA,

ATLANTA, September 18, 1861.

GENERAL A. SIDNEY JOHNSTON, C. S. A.,

Nashville, Tenn.:

SIR: Your letter of the 15th instant, in which you



make the request that I will forward to you such arms as may be at my disposal for defense of our northern frontier, has been handed to me by Colonel Hunt and Captain Buckner.

In reply, I beg leave to state, and I do so with much regret, that it is utterly impossible for me to comply with your request. There are no arms belonging to the State at my disposal; all have been exhausted in arming the volunteers of the State now in the Confederate service in Virginia, at Pensacola, and on our own coast, in all, some twenty-three regiments. Georgia has now to look to the shot-guns and rifles in the hands of her people for coast defense and to guns which her gunsmiths are slowly manufacturing. I deeply regret this state of things, for to respond to your call with the arms you need would afford me the greatest gratification.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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GRIFFIN, September 18, 1861.

PRESIDENT DAVIS,

Richmond:

The four regiments in the two camps of instruction are without arms. Please order a supply to them at once from the cargo just landed in Savannah, and order some rifled cannon for defense of Savannah and Brunswick. Impossible to arm the regiments here. Hope you will not fail to supply them, as the guns have been landed

in the State, and they have been mustered into the service of the Confederacy without arms. Please reply to Atlanta.

JOSEPH E. BROWN.

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RICHMOND, VA., September 20, 1861.

GOVERNOR JOSEPH E. BROWN,

Griffin, Ga.:

The arms on the steamer Bermuda belong chiefly to private owners, and we are endeavoring to secure as many of them as possible. We are compelled first to arm regiments now here awaiting arms. Will do the best we can for you.

J. P. BENJAMIN,

*Acting Secretary of War.*

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ATLANTA, GA., September 25, 1861.

J. P. BENJAMIN,

*Secretary of War:*

Colonel Stovall, whose battalion is at Lynchburg, is here. Cannot send another gun out of the State. I ask that you order his battalion back to Brunswick on the coast, and I will fill it up to a regiment in the State. I also request that five other armed companies of Georgia

troops be ordered back to the coast without delay, as an invasion of the coast is looked for daily and you have nearly all the State guns in the Confederate service. Please answer both requests immediately. Colonel Stovall will wait here until I hear from you.

JOSEPH E. BROWN.

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RICHMOND, September 25, 1861.

GOVERNOR BROWN,

Atlanta, Ga.:

Have sent orders to Maj. Shackelford, as requested. Have ordered Bartow Artillery Company to Savannah to report to General Lawton. Am reliably informed that the enemy will attack Brunswick. Be prepared.

J. P. BENJAMIN,

*Acting Secretary of War.*

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ATLANTA, September 26, 1861.

HON. J. P. BENJAMIN,

*Secretary of War:*

Thank you for the order for the 1,000 guns to General Lawton. Let me beg of you to order Colonel Stovall's battalion back from Lynchburg and let me fill it up to regiment for the coast.

JOSEPH E. BROWN.

RICHMOND, September 26, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Your dispatch received, I cannot order back to Georgia any armed troops, for reasons which I will explain by letter. Instead of sending you a thousand men, I have ordered 1,000 of the rifles at Savannah with the proper quantity of ammunition, to be turned over to General Lawton for arming that number of your men, as I understand you have plenty of men.

J. P. BENJAMIN,

*Acting Secretary of War.*

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RICHMOND, September 27, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

The thousand rifles were ordered to be given you instead of sending back the battalion from Lynchburg. Grave reasons of policy forbid sending back any troops from Virginia.

J. P. BENJAMIN,

*Acting Secretary of War.*

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, September 29, 1861.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia, Atlanta.:*

SIR: In the letter of this Department to Your Excellency of June 30, 1861, calling for the organization of a reserve army corps, etc., the selection of the camps of instruction to which these troops when enlisted should be assigned was left to the discretion of Your Excellency. I have now the honor to request Your Excellency to furnish to this Department a statement of the location of these camps of instruction, the names by which they are called, the post-offices by which they may be addressed, and the number and organization of the troops there encamped under the call referred to. I would also respectfully request the favor of Your Excellency to furnish, so far as may be within your knowledge, a similar list of any other camps of instruction which may have been established within your State.

Very respectfully,

J. P. BENJAMIN,

*Acting Secretary of War.*

RICHMOND, September 30, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Being in urgent need of engines and cars, I instructed the Quartermaster-General to impress a certain number of them on the Western and Atlantic Railroad, paying a fair value, if the owners would not sell or lease them. I did not know that the road belonged to the State of Georgia when I gave these orders. I have, of course, revoked them, but I appeal to you for aid. Without some additional rolling-stock on the Virginia and East Tennessee road it is utterly impossible to transport the troops and supplies required for public defense. If you will let me have them I will allow any reasonable recompense that Georgia demands.

J. P. BENJAMIN,

*Acting Secretary of War.*

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ATLANTA, October 1, 1861.

HON. J. P. BENJAMIN,

*Acting Secretary of War:*

Will write you fully our embarrassed condition about engines and cars. I think you could get them from the Central Railroad at Savannah, from the South Carolina Railroad at Charleston, or from the Memphis and Charleston.

JOSEPH E. BROWN.

ATLANTA, October 2, 1861.

HON. J. P. BENJAMIN,

*Secretary of War, Richmond, Va.:*

DEAR SIR: In response to your telegram of yesterday [September 30] I said that I would reply by letter. We have let the East Tennessee roads have the use of our cars and engines this summer, and they have abused and broken them till we shall be very hard pressed for motive power and rolling-stock to do our winter's business. If we could get material for the repair of our engines it would be possible for us to repair them and still accommodate, but much of the material necessary cannot be had in the Confederacy. If we let our engines and cars go for further use off our road we shall very soon be obliged to suspend our own business. We now have three or four of our engines in the shop badly broken up by them, and we lack material to repair. Some fifty or more of our cars are in like broken and injured condition. I regret very much that we are not in condition to accommodate, but I do not see how it is possible without endangering the success of our own road and business. I am informed that the South Carolina road, the Central road at Savannah, the Georgia road at Augusta, the Memphis and Charleston at Memphis, and the New Orleans and Jackson all have surplus cars and engines. We have kept up the transportation for the Government over the line during the summer, and have suffered severely by it. I now ask that you call on some other of the roads to do their part. Any and all freights sent over the Southern route will be promptly shipped to the extent of our capacity, and would reach Richmond

as cheaply and more promptly than they do over the East Tennessee route.

I am, very truly, etc.,

JOSEPH E. BROWN.

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ATLANTA, October 4, 1861.

HON. J. P. BENJAMIN,

*Secretary of War:*

Have given to you and Major Ashe reason why I can not spare cars and engines from State road. He writes from Chattanooga that he has orders to impress them. I presume he has not received your countermanding order. I hope you will telegraph him, as I shall certainly resist the impressment by military force if necessary. The Southern route, only a few hours longer, will carry promptly to extent of our capacity all freights sent, but will not suspend the working of our own road to enable another line to carry all the freight,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

October 19, 1861.

HON. J. P. BENJAMIN,

*Acting Secretary of War, Richmond, Va.:*

SIR: Expecting that Georgia will, as far as may be



in her power, endeavor to clothe her troops who are in the Confederate service, in conformity with the act of Congress (No. 256 of the third session, Provisional Congress, held at Richmond, p. 50)\* I address you this note, respectfully asking your construction of said act on certain points. First. Where a State shall clothe her own troops, will the clothing be required in uniforms, or will any substantial woolen clothing do? As you are aware, it is now difficult to supply clothing in uniforms. Second. How is the money value of clothing to be ascertained and agreed upon, and what evidence will be required of its delivery by the State? Third. Will it be paid for to the State furnishing it on delivery to the commanding officer of a company or regiment, or must the clothing be delivered to each member of such company or regiment? Should the latter be required, it will be difficult, if not impracticable, to effect the delivery, as some members of a given company might be away from the main body on picket or other special duty. Your response to these inquiries will oblige me much.

I have the honor to be, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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\* Act approved August 30, 1861.

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RICHMOND, October 23, 1861.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Can you find me some secure place in your State

where I could hold safely a few hundred prisoners? Will pay a fair rent for the property.

J. P. BENJAMIN,

*Acting Secretary of War.*

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MILLEDGEVILLE, October 23, 1861.

HON. J. P. BENJAMIN,

*Acting Secretary of War:*

Your dispatch to Atlanta just received. Headquarters here now. Have no safe place here to keep prisoners. Will inquire and inform you if I can get a place in the State.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

October 24, 1861.

HON. J. P. BENJAMIN,

*Acting Secretary of War, Richmond, Va.:*

SIR: When His Excellency received your telegram the other day in reference to obtaining a suitable place to confine or keep 200 or 300 Federal prisoners in this State, Capt. T. W. Brantley (a copy of whose letter I

herewith send you) was in this office, and I now send you by direction of His Excellency the copy of his letter that you may correspond with the parties named by him on the subject.

Very respectfully, your obedient servant,

H. H. WATERS,

*Sec. Ex. Department.*

[Inclosure]

MACON, GA., October 24, 1861.

His Excellency JOSEPH E. BROWN,

SIR: I made inquiries to-day concerning a secure place for the confinement or retention of prisoners. I found one place large enough for the accommodation of 200, and it is the only one that can be procured in this place I think. For particulars more minute apply to Messrs. Adams & Reynolds, of this city. I leave for Camp Harrison to-night.

Your humble servant,

T. W. BRANTLEY.

P. S.—The place referred to is at present occupied by Davis Smith as a negro mart. T. W. B.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, October 25, 1861.

GOVERNOR JOSEPH E. BROWN,  
Milledgeville, Ga.:

SIR: I have the honor to acknowledge receipt of Your Excellency's letter of October 19, and to reply: First. It is not required that clothing furnished by States shall be uniform in order to be accepted. Second. Commutation is allowed for clothing furnished at the rate of \$25 for six months, payable to the captains of companies (or commanding officers) upon vouchers rendered to the Quartermaster-General's Department that their men are furnished with clothing according to regulation for the time specified. I inclose to Your Excellency a copy of the regulation in regard to the clothing of volunteers, and also a copy of a circular letter recently printed, in the fourteenth section of which the subject of commutation of clothing is embraced.

I have the honor to be sir, your obedient servant,

J. P. BENJAMIN,  
*Acting Secretary of War.*

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MILLEDGEVILLE, October 28, 1861.

HON. J. P. BENJAMIN:

I am just informed by private source, having no official information, that you have ordered the troops at

Camp Stephens and Camp McDonald, and probably other regiments to Virginia. We are expecting an invasion of Georgia every day. You have nearly all Georgia army and over 20,000 of her troops in Virginia. Again, the winter is just commencing, and these troops are poorly supplied with clothes for cold weather. It will therefore be peculiarly hard on them to be ordered to Virginia for the winter. In the name of the State and as an act of justice to the troops, I feel it my imperative duty to enter my solemn protest against the removal.

JOSEPH E. BROWN.

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RICHMOND, October 28, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

The troops ordered here are unarmed and are required for urgent service in the public defense. They cannot be armed in Georgia, but can be armed by the general in command of the Army of the Potomac. I will have them clad here comfortably. I should fail in a solemn public duty if I neglected to re-enforce to my utmost ability our army, now confronted with greatly superior numbers and in daily expectation of attack. If your State is invaded you shall be re-enforced with armed men as fast as they can possibly be sent to you.

J. P. BENJAMIN,

*Acting Secretary of War.*

## EXECUTIVE DEPARTMENT,

TALLAHASSEE, FLA.,

October 31, 1861.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: I have this day recommended to the President and Secretary of War the establishment of a military department, to be composed of the following counties in Georgia, Alabama, and Florida, lying on or near the Chattahoochee River, viz:

In Georgia: Decatur, Thomas, Miller, Early, Baker, Clay, Calhoun, Randolph, Quitman, Stewart, and Muscogee. In Alabama: Henry, Dale, Barbour, and Russell. In Florida: Leon, Gadsden, Wakulla, Jefferson, Madison, Liberty, Washington, Jackson, Calhoun, and Franklin.

I respectfully invite your consideration and approval of the measure proposed. Georgia and Alabama derive even more commercial advantages from Apalachicola than Florida herself, and both these States are deeply interested in its defense.

I am, sir, very respectfully,

JOHN MILTON.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

November 7, 1861.

HON. J. P. BENJAMIN,

*Acting Secretary of War, Richmond, Va.:*

SIR: I herewith transmit to your Department copy of letter received by me from His Excellency the Governor of Florida, informing me that he has "recommended to the President and Secretary of War the establishment of a military department, to be composed of" certain counties of Georgia, Alabama, and Florida.\*

While I am not fully convinced of the necessity of establishing the new military department proposed by the able and patriotic executive of Florida, I have no objection to its establishment should the President and War Department deem it advisable to carry out the recommendation of Governor Milton.

Very respectfully,

JOSEPH E. BROWN.

\*Sée letter October 31, 1861.

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MILLEDGEVILLE, November 7, 1861.

PRESIDENT JEFFERSON DAVIS:

I am much gratified at the information contained in your telegram. General Lee has my highest confidence and shall have my cordial co-operation and support.

JOSEPH E. BROWN.

MILLEDGEVILLE, November 11, 1861.

J. P. BENJAMIN,

*Secretary of War:*

The city of Savannah is menaced by the enemy, and we are in great need of arms. You have nearly all of our guns. I request that you send to Savannah immediately the brigade of State troops trained here under command of General W. Phillips, now known in the Confederate service as the Phillips Legion, Colonels Wofford and Boyd's regiments and Stovall's battalion; also regiment of Georgia regulars. All these troops were trained at the State's expense and thoroughly armed by her, and her safety now requires their services with their arms. Please answer immediately.

JOSEPH E. BROWN.

---

RICHMOND, November 12, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

There are reasons of public policy which would make it suicidal to comply with your request to withdraw Georgia troops from the enemy's front at this moment. This Government will co-operate with all its power for the defense of your State, but it must do so in the manner it deems most certain to produce the desired effect of repulsing the enemy at all points, and cannot



scatter its armies into fragments at the request of each Governor who may be alarmed for the safety of his people. Be assured that no effort will be spared to aid you, and be good enough to communicate your confidence in this assurance to your people, thus allaying all needless panic.

J. P. BENJAMIN,  
*Acting Secretary of War.*

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SAVANNAH, November 13, 1861.

HON. J. P. BENJAMIN,

*Secretary of War:*

Your dispatch refusing to send back any of Georgia's guns with her troops is forwarded to me here. You said a few days since in your dispatch that you would send us armed troops if attacked. A kind providence has enabled Major Anderson to land here to-day with over 10,000 Enfield rifles belonging to the Confederacy. I now ask, not for men, but guns. Let us have 5,000 of these in place of 5,000 of the State's guns now in your service. Please answer immediately.

JOSEPH E. BROWN.

RICHMOND, November 13, 1861.

GOVERNOR JOSEPH E. BROWN,

Savannah:

As soon as I know what arms I have received I will give to Georgia troops all that I can possibly spare for her defense. I beg you to remember that ten other Governors are making just such demands as yourself, and that it is not reasonable to complain that other exposed points should also be provided for. I will do my best, if not prevented by exaggerated demands which I have no means of satisfying.

J. P. BENJAMIN,

*Acting Secretary of War.*

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SAVANNAH, November 14, 1861.

J. P. BENJAMIN,

*Secretary of War:*

I trust you will let us have as many of the guns as possible. They landed here and cannot be needed worse elsewhere. There are four rifled cannon. Do let us have two of them for fort, which lacks heavy guns. Answer at Milledgeville.

JOSEPH E. BROWN.

RICHMOND, November 14, 1861.

Gov. JOSEPH E. BROWN,

Milledgeville:

Out of about 9,000 rifles, I have assigned half to General Lee's command and the other half to General A. S. Johnston's command. General Lee will therefore have 4,500 which, when added to the 1,100 brought in for Georgia, makes 5,600 arms for the defense of Charleston and Savannah. As soon as I get the account of the cannon on board I will appropriate to the same purpose every piece that I can fairly assign to your coast. I shall know in a day or two what is possible.

J. P. BENJAMIN,

*Acting Secretary of War.*

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MILLEDGEVILLE, November 17, 1861.

HON. J. P. BENJAMIN:

I am satisfied that your proposed division of the rifles between the coast and Kentucky is just. You have over 9,000. Shall be greatly gratified if two of the rifled cannon can be placed on Fort Pulaski, which lacks sufficient long-range guns.

JOSEPH E. BROWN.

MILLEDGEVILLE, November 17, 1861.

HON. J. P. BENJAMIN,

*Secretary of War:*

I presume you are fully informed of the hostile demonstrations of our enemies in East Tennessee. I think it very important that troops be thrown upon the frontier of Georgia at once, to assist in suppressing the rebellion. May I beg you to direct General Lee to arm Colonels Bailey's and Littlefield's regiments with Enfield rifles and order them immediately to the line of Tennessee? Please answer.

JOSEPH E. BROWN.

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MILLEDGEVILLE, December 13, 1861.

HON. J. P. BENJAMIN,

*Secretary of War:*

Georgia has several thousand State troops mustered into her service for six months, organized into a division, brigades, regiments, battalions and companies. Many of the companies consist of less than sixty men, including officers. Will you accept them for local service as organized, if tendered? If you will not, appropriation will be made for their future support by the State. If not, the State must provide for their support [*sic*]. Please answer immediately.

JOSEPH E. BROWN.

RICHMOND, VA., December 14, 1861.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

I will accept for local defense each armed regiment, battalion and company of six-month's men that you may transfer under the act of Congress for local defense.

J. P. BENJAMIN,

*Secretary of War.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

December 16, 1861.

His Excellency JOHN LETCHER,

*Governor of Virginia:*

SIR: I beg the honor to transmit herewith a copy of joint resolutions recently adopted by the General Assembly of Georgia. The Legislature has not directed me to forward them, but I do so under the conviction that you will be pleased to learn the action of Georgia on the important subject to which they relate.

Very respectfully,

JOSEPH E. BROWN.

[Inclosure.]

JOINT RESOLUTIONS OF THE GENERAL ASSEMBLY OF  
THE STATE OF GEORGIA, PASSED AT ITS LAST SESSION.

*Resolved by the Senate and House of Representatives*

*of the State of Georgia in General Assembly met, That it is the sense of this General Assembly that the separation of those States now forming the Confederate States of America from the United States is and ought to be final and irrevocable, and that Georgia will, under no circumstances, entertain any proposition from any quarter which may have for its object a restoration or reconstruction of the late Union on any terms or conditions whatever.*

*Resolved, That the war which the United States is waging upon the Confederate States should be met on our part with the utmost vigor and energy, until our independence and nationality are unconditionally acknowledged by the United States.*

*Resolved, That Georgia pledges herself to her sister States of the Confederacy that she will stand by them throughout the struggle—she will contribute all the means which her resources will supply, so far as the same may be necessary to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.*

WARREN AKIN,

*Speaker of the House of Representatives.*

L. CARRINGTON,

*Clerk of the House of Representatives.*

JOHN BILLUPS,

*President of the Senate.*

JAS. M. MOBLEY,

*Secretary of the Senate.*

Approved December 11, 1861.

JOSEPH E. BROWN.

*Governor.*

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

February 4, 1862.

HON. J. P. BENJAMIN,

*Secretary of War*, Richmond, Va.:

DEAR SIR: By reference to the fourth section of an act of Congress entitled "An act providing for granting of bounty and furloughs to privates and non-commissioned officers in the Provisional Army," which I see published in the newspapers, I find that provision is made for reorganizing troops now in service who volunteer or re-enlist into companies, battalions and regiments, by election of their officers, and after first election vacancies to be filled by promotion, etc. As some company elections of this character have been held by men in companies belonging to Georgia regiments now in the service of the Confederacy, but whose term of service has not yet expired, and the election returns have been forwarded to this office requesting commissions, I venture to trouble you with this note of inquiry, hoping that I may learn what is your construction of the section above referred to.

First. Is it your construction that the company and field officers elected under the provisions of this act are to be commissioned by you or by the Governors of the respective States to which the troops belong

Second. Do you or not draw any distinction in reference to the authority to commission between those troops who entered the Confederate service through

State authority, bearing commissions from the Executives of their respective States, and those who entered independent of State authority and were commissioned by the President, or must all when they re-enter the service under the late act be commissioned by the same authority which commissioned them at first?

Third. Upon what terms, if any, will State troops now in State service for a term of six months be permitted to re-enlist for Confederate service, and from whom will their officers, when the companies, battalions or regiments are organized, receive commissions under the act above referred to?

Fourth. What construction do you place on the words "reserving to the States respectively the appointment of the officers" in the sixteenth item of the eighth section of the first article of the Constitution of the Confederate States? I beg leave to assure you that it is my sincere desire in this eventful period of our history to avoid all conflict between the State and Confederate Governments, as I have no hope of the future permanence of our institutions unless each confines itself within the sphere assigned to it by the Constitution and carefully avoids the assumption of powers which properly belong to the other. As the questions to which the above inquiries relate are soon to be of practical importance, and as your decision may to some extent affect the action of the troops, I beg your forgiveness for this encroachment upon your valuable time and respectfully solicit an early reply.

With an ardent desire for the early triumph of our



arms and the establishment of our Government upon an equitable and permanent basis,

I have the honor to be, your obedient servant,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

February 8, 1862.

GENERAL R. E. LEE,

GENERAL: I have learned from General Wayne the substance of the conversation in your interview with him relative to the removal of the troops from Brunswick to Savannah. I have a great desire to see Brunswick remain in the possession of our troops, and should be very reluctant to see it abandoned to the enemy. If, however, it is not reasonably certain that you can, with the force at your command, including the State troops, hold both Brunswick and Savannah, I do not hesitate to say that it is important that the whole force be at once concentrated at Savannah. It is the key to the State, and if it falls into the hands of the enemy Brunswick and the balance of the coast must of course be under their control.

All the indications are that Savannah is to be the point of attack, and we must repel the attack at any cost and at every hazard. If my home were in the city I would fight for it as long as possible, and if driven from it by overpowering force, I would never permit its

roof to shelter the enemy, but would leave it in smoking ruins when driven from it.

The troops at Brunswick are under your command, and you are the best judge of the military necessities by which we are surrounded. Exercise your own judgment, in which I have the highest confidence, and I shall be content with and shall do all in my power to sustain your action, as I have no doubt you will so act as will best promote the highest interest of the people of the whole State.

Should you determine to withdraw the troops from Brunswick, I wish all the assistance afforded the inhabitants which is in your power for the removal of such property as they wish to carry into the interior; to this end you are at liberty to use the Brunswick Railroad now in the military possession of the State. When all is removed that can be, let the engines and cars be brought to the junction of that road with the Savannah, Albany and Gulf road. I have directed General Jackson to call out such of the militia force of Savannah as he can arm for immediate service in addition to the State troops now in the field, and hope the order will meet your approval.

Very respectfully,

JOSEPH E. BROWN.

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HDQRS. DEPARTMENT OF SOUTH CAROLINA, ETC.

Savannah, Ga., February 10, 1862.

HON. JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

SIR: I have had the honor to receive your letter of

the 8th instant in reference to the withdrawal of the batteries from Saint Simon's and Jekyl Islands. No one can regret the apparent necessity of such a measure more than I do, and so great is my repugnance to yield any point of our territory to our enemies, that I have endeavored from the time of my arrival to give strength to the defenses of Brunswick. I find it impossible to obtain guns to secure it as I desire, and now everything is required to fortify this city. I have therefore given General Mercer discretionary authority to withdraw the troops and guns from the islands to the main [land], should he, upon a reconsideration of the subject, hold to his opinion as to the inability of the batteries to contend with the enemy's fleet.

I have sent Maj. Edward C. Anderson to assist in removing the guns, etc., and as soon as I know his determination will inform you. With the exception of the fact of opening another harbor on the coast to the enemy, and receding from a point we have occupied, I do not know that any material interest is sacrificed. As the inhabitants of the islands and of Brunswick have removed their families and property, there is no trade or commerce with Brunswick, and no immediate back country to be injuriously affected.

I am, etc.,

R. E. LEE,

*General, Commanding.*

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MILLEDGEVILLE, GA., February 10, 1862.

HON. J. P. BENJAMIN :

Will you receive cavalry, or is the call intended to do

for twelve regiments of infantry? The term used in your requisition is troops. I shall establish three camps of instruction. Please designate one or more agents who have funds to supply tents and provisions as fast as companies arrive, and designate quartermasters, commissaries, and surgeons. Please answer immediately.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

February 10, 1862.

HON. J. P. BENJAMIN,

*Secretary of War*, Richmond, Va.:

SIR: Your requisition for twelve additional regiments of troops from Georgia to serve during the war is this day received, in which you request me to select camps of instruction where the men are to rendezvous, and if possible that I have them ready for service by the 15th day of March. You also say that the troops when mustered into service will be clothed, equipped and armed at the expense of the Confederate States. I will do all in my power to fill the requisition, but I greatly fear it will be impossible to do so within the time mentioned by you. It is now a very difficult matter to get a company of volunteers for the war. If I should be under the necessity of resorting to a draft, I cannot possibly get the orders to every part of the State, have the drafts made, and get the troops in camp by the 15th of March. No effort shall

be wanting, however, on my part. I will establish three camps of instruction—one at Camp McDonald, seven miles above Marietta, on the Western and Atlantic Railroad; one at Camp Stephens, at Griffin, and one at Station No. 3, on the Central Railroad, twenty miles from Savannah. As the troops will need tents and provisions as soon as the first companies arrive, I must request that you send supplies to each of these three points immediately, and that you order to these places quartermasters, commissaries, and surgeons, who will take charge of the troops as they arrive. Will you please inform me by telegraph who is your agent or officer at each point with whom I can advise, and who will superintend the purchasing of the necessary supplies, etc.? As the time within which the troops are required is very short, I must beg you to act promptly and provide for the supplies at once. May I beg a reply to my letter of the 4th instant?

Very respectfully,

JOSEPH E. BROWN.

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RICHMOND, February 11, 1862.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

I will accept cavalry as well as infantry in fair proportion. I will order staff officers to the camps you select immediately, with tents, supplies, and funds for paying bounty. Let me know where you fix your camps.

J. P. BENJAMIN,

*Secretary of War.*

MILLEDGEVILLE, February 13, 1862.

HON. J. P. BENJAMIN:

I have apportioned the troops you require among the different counties of the State. Please suspend the issue of commissions to raise independent organizations till the requisition is filled, as the two do not harmonize, and confusion is the result.

JOS. E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

February 14, 1862.

HON. J. P. BENJAMIN,

*Secretary of War:*

DEAR SIR: I have today received your telegram of the 11th saying you will accept cavalry and artillery as well as infantry in fair proportions. I will therefore proceed to organize, if I can, some cavalry and some artillery with the infantry. I have sent you a copy of my proclamation, in which you will see that I propose to organize three camps of instruction—one at Camp McDonald, near Marietta; one at Camp Stephens, near Griffin, and one at Camp Davis, thirty miles from Savannah, on the Central Railroad. Please make provisions soon for the men at these camps, as some companies may report ready for orders in a few days.

It will be desired by the artillery companies that they be furnished with batteries as soon as possible. Please inform me what weapon you will be able to give the cavalry, as the question will be often asked. Will you please say what number of cavalry you will receive. I wish to do all in my power to carry out your views fully. I hope to raise, either by volunteers or by draft, the whole number required on the 4th day of March, and will have them all in camps as soon thereafter as possible. I now have reason to believe that a number of companies will offer before that time, and I will order them to the camps as fast as they tender.

I am, very truly, etc.,

JOSEPH E. BROWN.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., February 14, 1862.

HIS EXCELLENCY THE GOVERNOR OF GEORGIA:

SIR: Under the recent acts of Congress authorizing the recruiting of twelve-months' companies now in service by the enrollment of men to serve for three years or during the war, and for the recruiting of war companies now in the service, recruiting parties have been sent to your State to obtain re-enforcements according to the terms above described. To expedite the completion of those several quotas is now of the highest importance to the public defense, and you are therefore requested and earnestly solicited to use your executive powers in aid

of such recruiting parties in such manner as to you shall seem most likely to secure the end. Any troops so raised will always be credited to the State in counting the quota furnished by it.

Very respectfully, your obedient servant,

J. P. BENJAMIN,

*Secretary of War.*

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STATE OF GEORGIA, ADJT. INSP. GEN.'S OFFICE,

MILLEDGEVILLE, GA., February 14, 1862.

GENERAL R. E. LEE, C. S. A.,

*Commanding Southern Military District, Savannah:*

GENERAL: By direction of the Governor I herewith send you two communications relative to the defenseless condition of the city of Augusta, in this State—one written by the mayor of that city, the other by a highly respectable citizen of it, and holding the commission of colonel in the militia of the State. These letters express fully the weakness of the city and the interests there to be protected, and entering heartily into the views of the writers the Governor directs me to commend them to your earnest consideration.

Very respectfully, your obedient servant,

HENRY C. WAYNE,

*Adjutant and Inspector-General.*



[Inclosure No. 1.]

MAYOR'S OFFICE,

AUGUSTA, February 11, 1862.

His Excellency JOSEPH E. BROWN,

*Governor, Etc.*

DEAR SIR: I desire to call your attention to the fact that there now exists among a portion of our citizens considerable apprehension that an attempt may be made before long by the Federal forces near Savannah to ascend the Savannah River to Augusta. Whether this apprehension is well grounded or not, there can be no doubt that if the enemy are placed in a position to enable them to do so, great exertion will be made to reach Augusta, as it must be generally known that we have a large quantity of cotton stored, and that manufactories of arms and powder are being erected near our city. It is suggested that it may become necessary to obstruct the Savannah River. I address your Excellency for the purpose of bringing the matter to your notice, and thus enabling you to give such directions as you may think required by the circumstances. Should it be deemed important to obstruct the river, and you have no engineer whom you can direct to the duty, I will cheerfully undertake any service connected with the matter which you may think proper to designate.

With sentiments of highest esteem, I am, very respectfully, your obedient servant,

ROBT. H. MAY,

*Mayor of City of Augusta.*

[Inclosure No. 2.]

AUGUSTA, February 11, 1862.

His Excellency JOSEPH E. BROWN,

*Governor State of Georgia:*

SIR: Some apprehension is felt in this city that the enemy will endeavor to take it, provided they succeed at Savannah. In the event of their success there, (which Heaven forbid), and they make the attempt, we are entirely at their mercy, for we have neither artillery nor arms for infantry; in fact, the city is for effective service totally defenseless, and no matter how willing we all might be to fight to the last, we could do no good unless we have arms.

It has been suggested to me to write to you on this subject. There is now 82,000 bales of cotton here, besides the powder-mills, factories, etc., which should be protected. I would respectfully suggest that an efficient battery of twelve or fifteen guns of suitable caliber should be at once placed at Silver Bluff, on the Carolina side, about 2 to 5 miles below the city, and also that rafts or old boats and other material suitable for the purpose should be used to barricade the river, which could be effectually done at Matthew's Bluff, about 90 miles below the city. It is the opinion of well-informed men as well as myself that this should be done immediately.

I hope Your Excellency will excuse me for mentioning this important matter to you, and I hope it will meet with a favorable consideration. And, further, let me assure you that any service I can do you and my State in this

war [illegible] or any other business will be cheerfully done to the best of my ability, without fear or reward.

Very respectfully, your obedient servant,

W. B. GRIFFIN,

*Colonel, Commanding Tenth Regiment Georgia Militia.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., February 16, 1862.

HON. JOSEPH E. BROWN,

Milledgeville, Ga.:

SIR: Your letter of the 4th instant, making certain inquiries respecting re-enlisted troops and the commissions of their officers, has been received. To your several questions I have the honor to make the following replies: First. The company and field officers elected under the provisions of the act granting bounty and furloughs are to be commissioned by the President. Second. Whether the troops originally entered the Confederate service through State authority, or independent of it, they now re-enlist under the provisions of a law of Congress, and the officers must all be commissioned by the President. Third. State troops now in service for a term of six months can re-enlist for two years and six months from and after the expiration of their present term, the officers to be elected and afterward to be commissioned by the President. Fourth. The clause

in the Constitution to which you refer applies upon its face only to the militia and not to forces raised by virtue of an act of Congress. The re-enlisted troops are not raised by State authority, but voluntarily enroll themselves under the provisions of a Confederate law. I would enter more into detail in furnishing Your Excellency with my views on the subject did not the immense pressure of public business make it impossible.

Your obedient servant,

J. P. BENJAMIN,

*Secretary of War.*

P. S.—I will add that the officers of the regiments called for from the States under the recent act of Congress are, in my opinion, to be commissioned by the Governor of Georgia, as they are State troops tendered to the Confederate Government. I will further add that I fully reciprocate the desire of Your Excellency that there shall be entire harmony in the action of the two Governments, and I cannot let pass the occasion of expressing my grateful acknowledgements for the uniform courtesy, promptness, and efficiency which you have exhibited in aiding me in my arduous and responsible duties.

J. P. B.

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RICHMOND, VA., February 16, 1862.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Your dispatch received. I will issue no more com-

missions to raise troops till you have filled the requisition.

J. P. BENJAMIN,  
*Secretary of War.*

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SAVANNAH, February 18, 1862.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville:*

GOVERNOR: I have the honor to report for the information of Your Excellency that the guns have been removed from the islands of Saint Simon's and Jekyl, and the troops withdrawn to the mainland; the former are in process of transportation to this city, and the latter ordered to take a position to command the railroad and to protect the back country.

In giving final orders for the defense of that portion of the State, I wish to give directions in reference to the town of Brunswick, provided the enemy attempt to possess. Besides the moral effect of showing our determination to defend the country at any sacrifice, its destruction would deprive the enemy of comfortable quarters in a healthy position, which they might otherwise be tempted to occupy during the continuance of the war, the present buildings saving them much labor and expense, and the hotel serving as a hospital for their sick. As there are other considerations besides those, purely military, involved in this question, I am unwilling to

order destruction of the town without the knowledge and approbation of Your Excellency.

I am, etc.,

R. E. LEE,

*General, Commanding.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

February 21, 1862.

R. E. LEE,

*General Commanding:*

GENERAL: I have acknowledged receipt of your favor of the 18th instant. I am happy to learn that you have removed the troops from the islands and that you now have the guns at Savannah. God grant that they may enable you to drive the enemy's gunboats from the river when the attack comes.

In reference to the other point in your letter I have to say that if my own house were in Brunswick I would certainly set fire to it, when driven from it by the enemy, rather than see it used by them as a shelter. We should destroy whatever the military necessities require. I am therefore prepared to sustain any order which in your opinion it is necessary to have executed. Private property and private rights must yield to the great public interests now at stake. The question of compensation

will be one which will address itself to the State. When the war is over, justice to sufferers will no doubt be done.

Very respectfully, etc.,

JOSEPH E. BROWN.

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SAVANNAH, GA., February 22, 1862.

His Excellency, JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville:*

GOVERNOR: In the present condition of affairs the connection between the cities of Charleston and Savannah by the Charleston and Savannah Railroad is very precarious. Should the force now on this coast be re-enforced, an attempt will be made in all probability to cut the road between the two cities, and, in view of this contingency, I have the honor to call your attention to the importance to the defence of the cities of Charleston, Augusta and Savannah, as well as to the States of Georgia and South Carolina, of connecting the Augusta and Savannah Railroad with the Georgia or South Carolina Railroad at Augusta. I am informed that the Augusta and Savannah Railroad Company is willing to build the connection at its own expense, provided they be allowed to take the route which they would prefer, and which the president of the road (Dr. Willis) informs me, is but one-fourth of a mile in distance, and if permission were given at once, the connection would be completed in one week. I am moreover informed by Dr. Willis that the railroad company will make the connection, taking the route se-

lected by the city council of Augusta—more than twice the distance, however, if the State of Georgia will direct it and assume the expense. In the latter case, no doubt the State would be reimbursed by the Confederate Government, but all considerations of time and expense would seem to recommend that the former plan be adopted, and I earnestly request that, if there is no insurmountable objection to its being carried out, Your Excellency lend your aid and influence to have it done immediately.

I am, etc.,

R. E. LEE,

*General, Commanding.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., February 24, 1862.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.

SIR: Your favor of the 14th instant is received, and I cannot too warmly express my acknowledgements for your prompt and cordial co-operation in our effort at defense. I think two regiments of cavalry will be all that we can accept from your State in proportion to the number of infantry called for. I will, of course, accept any reasonable number of cavalry regiments above your quota, but of the number called for I would not be able to accept more than two regiments. Cavalry will be armed



with carbines or double-barreled shotguns and sabers, or we will take lancers and provide the lance. We have no pistols, but would pay for any that the men can arm themselves with at fair prices. The batteries for the artillery can be promptly furnished. Two companies are all that I can receive from your State at present, as the rivalry for that arm is very great.

I am, your obedient servant,

J. P. BENJAMIN,  
*Secretary of War.*

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MILLEDGEVILLE, February 24, 1862.

HON. J. P. BENJAMIN :

Please hasten forward your staff officers to the three camps, with tents, cooking utensils, and all necessary supplies. I cannot order in the troops till these things are prepared. Will you receive as much as two regiments of cavalry?

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

March 22, 1862.

HIS EXCELLENCY, JEFFERSON DAVIS.

DEAR SIR: I have the pleasure to inform you that in

response to your requisition on Georgia for twelve additional regiments of troops she now tenders you thirteen regiments and three battalions. There are six regiments and one battalion, which will, it is believed, soon recruit to a regiment, at Camp McDonald; three regiments and a battalion and one artillery company at Camp Stephens, and four regiments and a battalion of nine companies, which will no doubt soon be filled up as a regiment, at Camp Davis. I hope in a few days to be able to report two regiments of cavalry. I tender all these troops and ask that they be accepted for three years or the war. As the State has much more than filled the requisition made upon her by you through the Secretary of War, I have a request to make on my own account and in behalf of some of these regiments. I am informed that you have authorized Colonel Cobb to increase his legion to 5,000 men, and that you will probably permit him to take part of the regiments which you demanded as the State's quota. In that case I request you to extend the same privilege to Colonel Phillips, who commands the other legion from this State known as Phillips' Legion, and that you permit him to connect with his legion such regiments as I have tendered beyond the quota which you required as desire to join his legion. I believe every intelligent Georgian acquainted with the two men will admit that it is no disparagement of Colonel Cobb to say that Colonel Phillips is every way his equal as a military man. In consideration of all the past, I feel that this is but a reasonable request, and trust you will not find it inconsistent with your sense of justice to grant it.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

MILLEDGEVILLE, March 24, 1862.

HON. J. P. BENJAMIN,

*Secretary of War:*

The term of service of the State troops expires very soon; one regiment goes out in a week. Can you place 8,000 Confederate troops in their places for the defense of Savannah? If the State troops leave and their places are not filled immediately Savannah must fall into the hands of the enemy. Shall I attempt to detain the State troops, or what is your wish? General Lee is familiar with the facts and locality, and the place assigned to the State troops, together with their efficiency. Please answer.

JOS. E. BROWN.

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RICHMOND, VA., March 24, 1862.

GOV. JOSEPH E. BROWN,

Milledgeville, Ga.:

Troops are immediately necessary for the defense of the line of railroad through Tennessee. I urgently request you to send regiments from the Cherokee counties of Georgia to General E. K. Smith, at Knoxville. Inform me of the number of regiments, their positions, and the number of arms they will require.

JEFFERSON DAVIS.

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

March 25, 1862.

HON. J. P. BENJAMIN,

*Secretary of War:*

SIR: I telegraphed you yesterday, stating that the term of enlistment of the State troops now in service, to whom has been entrusted in a very great degree the defense of the city of Savannah, is soon to expire. One company has already been mustered out of service, and others follow very soon, and a large number of them go out during the month of April. Our whole coast is now virtually in possession of the enemy, except the city of Savannah. The city is the key to the State, and for many reasons which will readily occur to you, should be defended at all hazards. The State troops have had confided to them the fortification of the land approaches to the city, and have displayed remarkable industry and energy in the prosecution of the work, till the fortifications are now very strong. If these troops go out of service their places must be supplied immediately with others, or all this labor be lost and the city surrendered to the enemy. I wish to urge upon your earliest attention the importance of placing at Savannah, without delay, at least 8,000 troops, in addition to the Confederate troops now there for the defense of the city. I do not think it secure with a smaller number. If this cannot be done without delay, please inform me frankly of the true condition of affairs, and I will do all in my power still to defend the city with State troops. I presume a large

proportion of the State troops would re-enlist in the State service, and that other recruits could be had to take the places of such as refused. I wish to avoid all conflict, however, and propose to give up the whole matter to the confederate authorities, and render them all the assistance in my power, if this is thought the wiser course. The State troops now in service are not included in the quota of the State, but are in addition to it. Georgia will make no point on this, however, but will continue to maintain an army of her own for her own defense, in addition to her quota, if it is desired by the President, and the expense will be ultimately refunded to her by the Confederacy; or she will promptly furnish her quota whenever there is a call upon the different States, and will confide the whole matter to the wisdom and prudence of the Confederate Government. Please reply to this letter immediately, and state whether you wish me to make efforts to keep the State troops in service, or shall I disband them and rely upon you for our defense.

Very respectfully, your obedient servant,

JOS. E. BROWN.

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MILLEDGEVILLE, March 25, 1862.

HON. J. P. BENJAMIN,

*Secretary of War:*

I have a quantity of arms—part of the cargo of the *Gladiator*—imported for the State. The Confederate officers at Savannah have taken possession of them and sent them off to Confederate troops. The boxes were

plainly marked "J. E. B." I cannot submit to any seizure, and demand the return of the arms or others of like quality in their place immediately.

JOS. E. BROWN.

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POCOTALIGO, S. C., March 26, 1862.

GENERAL A. R. LAWTON,

Savannah, Ga.:

GENERAL: I have just received the following telegraph. Answer me at once by telegraph, and report facts in full by letter.

RICHMOND, March 26, 1862.

MAJOR-GENERAL PEMBERTON:

The Governor of Georgia complains that arms imported in the Gladiator and landed at Savannah have been seized by the Confederate officers. If this be so have them released.

GEORGE W. RANDOLPH.

J. C. PEMBERTON,

*Major-General, Commanding.*

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POCOTALIGO, March 27, 1862.

HON. GEORGE W. RANDOLPH,

*Secretary of War, Richmond, Va.:*

General Lawton reports: The arms were not seized,

but came into the hands of ordnance officer with Confederate arms, and without notice of State's claim until they were shipped. Those arms cannot be recovered, as they were shipped to Tennessee, Richmond, and other places, but can be replaced by others to arrive from Florida.

Shall they be so replaced?

J. C. PEMBERTON,  
*Major-General, Commanding.*

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RICHMOND, VA., March 28, 1862.

GENERAL PEMBERTON,

Pocotaligo, S. C.:

Replace the arms belonging to Georgia when you receive others.

GEO. W. RANDOLPH,  
*Secretary of War.*

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RICHMOND, VA., March 28, 1862.

GOVERNOR BROWN,

Milledgeville, Ga.:

Your arms were taken by mistake and distributed to various points. They cannot be recovered, but I have ordered General Pemberton to replace them from others expected from Florida.

GEORGE W. RANDOLPH,  
*Secretary of War.*

HDQRS. DEPT. OF SOUTH CAROLINA AND GEORGIA,

POCOTALIGO, S. C., March 30, 1862.

GENERAL S. COOPER,

*Adjutant and Inspector-General.*

GENERAL: I have the honor to transmit the two accompanying papers,\* received through Brigadier-General Lawton, in relation to certain arms represented by his Excellency the Governor of Georgia to have been seized by Confederate officers in Savannah, the arms being the property of the State of Georgia.

The Secretary of War directs that if the arms were taken, as charged, that they be restored. It will be seen by General Lawton's letter, that, having been shipped to various and distant points, it is impracticable to recover them. I request further instructions on the subject.

Very respectfully, your obedient servant,

J. C. PEMBERTON,

*Major-General, Commanding.*

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HDQRS. DEPT. OF SOUTH CAROLINA AND GEORGIA,

SAVANNAH, March 31, 1862.

His Excellency, JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: It has recently been brought to my notice that

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\*Not found.



there is at present a large amount of cotton stored in and near Augusta, and it has been suggested to me that an expression of the intentions of the commander of the military department to have this cotton destroyed rather than allow it to fall into the hands of the enemy might have a beneficial effect in inducing its removal. Should the enemy be successful in his attempt upon Savannah, Augusta would be seriously threatened, and if rapid in his movements it is probable that, in the confusion and panic which would be likely to ensue, much of the cotton would not be removed. I therefore refer to Your Excellency's serious consideration the propriety of the State authorities notifying the people of the intention of the military commander, in order that such preliminary arrangements may be made for the removal of the cotton should the unfortunate emergency arise, which would otherwise involve serious loss of property.

Very respectfully, your obedient servant,

J. C. PEMBERTON,

*Major-General, Commanding.*

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WAR DEPARTMENT, C. S. A.,

RICHMOND, VA.,

April 2, 1862.

His Excellency, GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.

SIR: I have the honor to acknowledge the receipt of

your letter of the 25th ultimo to my predecessor, Mr. Benjamin, and beg leave to assure you that I fully appreciate the noble efforts of your gallant State in the common cause, and would most gladly ease the burden she has imposed upon herself. For the present, however, we must rely upon her constancy for the defense of her coast, as we find ourselves so pressed by invading armies along our northern frontier and on the seacoast that it is impossible to send troops to your assistance. In this State alone we have to contend against five invading armies and powerful naval forces.

The reorganization of our armies under the recent Acts of Congress has proved so difficult, and promises to be attended with such danger if continued in the presence of the enemy, that the President has recommended to Congress the passage of an Act putting into military service for the war all persons not exempt from military duty between the ages of eighteen and thirty-five. The bill has been reported in the Senate and I have hopes of its speedy passage. It will at once relieve our difficulties of reorganization by continuing the army as it stands and furnishing a large body of recruits. We shall have veteran troops in the field and camps of instruction to season and drill the new levies. With this organization you will have troops enough to defend your coast, and the only difficulty we shall experience will be the scarcity of arms. We are making great exertions to supply ourselves, and we are encouraged by past success to hope for the arrival of large numbers now afloat. If you will keep your State troops in the field until Congress acts on the conscription bill I think that you will have no further embarrassment. I regret very much the mistake that occurred about your arms, and I am assured by the

Confederate officers that it was unintentional. I have ordered General Pemberton to return arms of equal value out of the first lot that he receives. Your arms had been so dispersed that it was impossible to recover them.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,  
*Secretary of War.*

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RICHMOND, VA., April 2, 1862.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

I have replied to yours of the 25th ultimo to Mr. Benjamin. Keep the troops in service if possible a few weeks longer then I hope your embarrassment will be relieved.

GEO. W. RANDOLPH,  
*Secretary of War.*

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MILLEDGEVILLE, April 3, 1862.

HON. G. W. RANDOLPH,

*Secretary of War:*

My agent sent to Florida to look after the guns imported for this State has returned. He reports that the State arms, as well as those for the Confederacy, have

been sent to Richmond. Your officers have now seized 3,400 Enfield rifles, imported for this State by three different arrivals—two at New Smyrna and one at Charleston. Can this all be a mistake? Please order the number of same quality replaced immediately. It cost me great risk and heavy expense to import these guns. I cannot submit to these illegal seizures. I appeal to your justice for immediate redress, as I wish to avoid all harsh measures. Answer at Savannah, where I go to-night.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 3, 1862.

HON. G. W. RANDOLPH,

*Secretary of War:*

DEAR SIR: Most of the regiments of Georgia troops now in the service of the Confederate States were armed, accoutered, and equipped by the State when they entered the service. The arms now in their possession are the property of the State. As the term of some of the twelve-months' regiments will soon expire, I desire to know whether the State's right to the arms will be respected and the disposition which will be made of the arms. I have no wish to withdraw the arms from the service at this critical period of our history; but as Georgia will continue to have in the field a large force, and as the arms belonging to her are mostly of a supe-

rior quality, I am unwilling that they should be thrown into the Confederate arsenals and distributed to the troops of other States, and inferior arms placed in the hands of new levies of troops from Georgia. I ask, therefore, that the Georgia troops, whose term of service expires during the war, be permitted to return with their arms to the State, where they could be placed in the hands of other troops and sent to the field.

Of course I should expect all the twelve-months' troops who re-enlisted to retain their arms. If the arms which belong to the State are returned to her as the term of service of her volunteers expires, she will have no difficulty in filling all just requisitions which may in future be made upon her for her quota of men. If I have not mistaken your character you belong to that class of statesmen known as States rights men. I can not, therefore, doubt what will be your decision of this question.

In conclusion permit me to congratulate you upon your recent appointment to the distinguished position which you now fill, and to express the hope that you may be eminently successful in the administration of the most important department of the Government. As the Executive of Georgia I beg leave to assure you of my most earnest desire to render you all the assistance in my power, and of my intention to exert all my energy for the promotion of that harmonious concord which secures the rights of the States and advances the best interest of the Confederacy. Hoping that we may yet be able to drive the invader from every foot of our territory and to establish our independence upon a firm basis,

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

RICHMOND, VA., April 5, 1862.

GOVERNOR BROWN,

Savannah:

SIR: I regret exceedingly the interference with your arms; will use every exertion to recover and restore them, or to return others of equal value. The arms sent to Richmond were, many of them, stopped at Raleigh and turned aside to Goldsborough, for the purpose of arming three Georgia regiments called for by General Lee. It may be that those were your arms.

I have instructed General Pemberton to call on you for an invoice or other description of the arms, and to return them out of the first parcel received. If they cannot be replaced, they can be paid for. I have cautioned Colonel Dilworth, at Tallahassee, against using any State arms, and will cause any officer to be punished who knowingly takes them.

GEO. W. RANDOLPH,

*Secretary of War.*

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POCOTALIGO, S. C., April 10, 1862.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Two regiments have been ordered from here to Tennessee. I am not aware that they are to be replaced by Confederate troops.

J. C. PEMBERTON,

*Major-General, Commanding.*

RICHMOND, VA., April 10, 1862.

*To the Governors of Mississippi, Louisiana, South Carolina, Georgia and Alabama:*

General Beauregard must have re-enforcements to meet the vast accumulation of the enemy before him. The necessity is imminent; the case of vital importance. Send forward to Corinth all the armed men you can furnish.

JEFFERSON DAVIS.

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MILLEDGEVILLE, April 10, 1862.

His Excellency JEFFERSON DAVIS:

Many of the State troops have their own country arms. The regiments have disbanded at the expiration of their term. We are daily expecting an attack at Savannah. Fear we have not troops enough to meet the enemy, but I will risk all at your request to relieve General Beauregard. Will order two of my best-armed State regiments to go immediately. They must return at the earliest day possible. I can send to Corinth 1,000 good pikes and side knives, if you wish them for reserves. Please answer.

JOSEPH E. BROWN.

RICHMOND, VA., April 11, 1862.

GOVERNOR BROWN,

Milledgeville, Ga.:

Your dispatch received. Thank you for the promptitude with which you have responded to my request. Pikes and knives will be acceptable. Please send them to Chattanooga.

JEFFERSON DAVIS.

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MILLEDGEVILLE, April 11, 1862.

PRESIDENT JEFFERSON DAVIS:

Had no official information of the bombardment of Pulaski when I sent dispatch yesterday. Generals Jackson, Lawton, and Wayne now at Savannah. Fear that the withdrawal of two regiments, in addition to two Confederate regiments which you have ordered from the coast to Corinth, would make our force too weak to meet the attack, and produce panic which might cause us to lose the city. With these facts before you, if you press the request, I will still send the troops; but trust you can do without them till the result of the attack on the fort is known, and whether it is to be accompanied by a land attack. I will ship to Chattanooga to-night 829 pikes and 321 knives. Please order the proper officers to take charge of them there.

JOSEPH E. BROWN.



RICHMOND, VA., April 12, 1862.

GOVERNOR BROWN,

Milledgeville, Ga.:

Dispatch of yesterday received. Retain the two regiments. If you could send armed men from the north-western part of your State they might aid General Beauregard without disturbing your sea-coast defenses. If route by Chattanooga is interrupted, the pikes, etc., may be sent by Mobile to Corinth, where they are wanted.

JEFF'N DAVIS.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., April 12, 1862.

HIS EXCELLENCY GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

DEAR SIR: I have just received your kind letter of the third, and reciprocate most cordially your wishes for harmonious action between the State and Confederate Governments in the present contest. In a struggle which involves the existence of both, I am persuaded that we only need mutual patience and forbearance to insure a good understanding. Sometimes things may happen requiring an explanation, and all that we should ask is the opportunity for such explanation. The Conscription bill passed the Senate yesterday by a vote of 19 to 5, and will, no doubt, go through the House. This will render

a redistribution of arms unnecessary, and I hope will effectually secure to the troops of each State the arms furnished them by their own State. The exigencies of the times require many things which under other circumstances would be wholly unjustifiable, and accordingly the Provisional Congress, on January 22 last, passed an act requiring that the arms of the volunteers now in service should be kept within the control of the President. Nothing but the extreme peril to be apprehended from the dispersion of the arms in the hands of the troops, and the belief that the States would acquiesce in a measure absolutely essential to their own safety, would induce the Government to adopt a measure at first sight arbitrary; but if the failure of the conscription bill should render it necessary to execute the law, I shall endeavor to keep the arms furnished by each State as far as practicable in the hands of her own troops, and will issue the orders necessary to effect this.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,

*Secretary of War.*

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RICHMOND, VA., April 15, 1862.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

An act has passed both Houses of Congress\* placing

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\*Approved April 16, 1862, and promulgated in General Orders No. 30. Adjutant and Inspector-General's Office, April 28, 1862.

in the military service of the Confederate States for three years or the war all persons between eighteen and thirty-five years of age who are not legally exempt from military service; all twelve-months' volunteers within those ages to serve two years from the expiration of their term of enlistment, and all of them under eighteen and over thirty-five to remain ninety days unless their places are sooner supplied by recruits. The twelve-months' men who have not received bounty and furloughs are to have them, the furloughs to be granted in such numbers and at such times as the Secretary of War may deem compatible with public service. Re-enlistments for the purpose of changing from one regiment, battalion or company, to another, unless already perfected by actual transfer, are in effect cancelled, and all authorities to raise new corps are vacated, unless within thirty days from the passage of the act the organization is complete and has the requisite number recruited from persons not now in service. Companies of infantry are to have 125, field artillery 150, cavalry 80. All corps of twelve months volunteers shall have the right within forty days, on a day to be fixed by the commander of the brigade, to elect all their officers which they had a right heretofore to elect, such officers to be commissioned by the President. All white males between eighteen and thirty-five, subject to military duty and not now in service, are to be enrolled and mustered in and sent to the old regiments. All further discharges from expiration of term of service and transfers of re-enlisted men to new corps will be immediately stopped.

GEO. W. RANDOLPH,

*Secretary of War.*

SAVANNAH, April 15, 1862.

HON. G. W. RANDOLPH,

*Secretary of War:*

I have just received your telegram informing me of the passage of the Conscription act. I have not seen the act, but presume you may construe it as disbanding the Georgia State troops. The troops are going out of service and the public exigencies require prompt action. Under the correspondence with you and General Lee, I had commenced re-enlisting them in the State service for three years, giving a credit of the six months they had served. I now propose to cease my operations and to turn over the troops who yet remain in service, with the responsibility, to you immediately, in such manner as may be most agreeable to the President, as it is necessary to the safety of Savannah that the number of the State troops be immediately increased if they are kept in State service. I ask an immediate reply by telegraph to this place.

JOSEPH E. BROWN.

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RICHMOND, VA., April 15, 1862.

GOVERNOR BROWN,

Savannah:

Keep the troops together, as it will cause great trouble to enroll and bring them back if they disband. The act authorized the President, with the consent of the Governor, to employ the enrolling officers of the State

for the purpose of enrolling those not in Confederate service. You can, therefore, employ your enrolling officers immediately to enroll the men, and I will send instructions for their organization. All between eighteen and thirty-five are to be in the Confederate service; the remainder may be organized by the States.

GEO. W. RANDOLPH,  
*Secretary of War.*

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RICHMOND, April 16, 1862.

GOVERNOR BROWN,  
Savannah:

The State troops subject to conscription may volunteer either in the old regiments or in those authorized to be raised. Authorities heretofore granted run thirty days from the passage of the act, which was approved today. Persons subject to conscription, who do not volunteer, are to be assigned to companies now in service.

GEO. W. RANDOLPH,  
*Secretary of War.*

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SAVANNAH, April 16, 1862.

HON. G. W. RANDOLPH,  
*Secretary of War:*

After receiving your dispatch of this morning I called

on General Lawton and invited him to accept the command of the State troops, as well as those who are conscripts. General Lawton has accepted the command, and General Jackson has retired. I ask that you permit the conscripts taken from the State troops to elect their own company and field officers. I have also left the State arms in their hands, on condition accepted by General Lawton that the arms are to be returned to the State immediately if the troops having them are ordered out of the State.

JOSEPH E. BROWN.

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SAVANNAH, April 16, 1862.

HON. G. W. RANDOLPH,

*Secretary of War:*

There are here over 5,000 State troops turned over to the Confederacy. Some 3,000 have gone out of service, most of whom will return. General Jackson has, after great labor, brought them up to a high state of efficiency as soldiers; probably none in your service excel them. The transfer leaves him without a command, after he has trained the troops and prepared the defences assigned to him. It would be injustice to him to expect him to take a position to be ranked by those who have long been his juniors. We can ill afford to lose his services at this critical period. I think I only represent fairly the wish of the people of Georgia when I ask that he be appointed a major-general and assigned to the command of the troops lately under his control.

JOSEPH E. BROWN.

SAVANNAH, April 16, 1862.

HON. G. W. RANDOLPH,

*Secretary of War:*

Will Colonel Chastain, Colonel Harrison, and Colonel Watkins, under the commissions they hold from you, be allowed to recruit their regiments in thirty days from the State troops? Each commands a State regiment.

JOSEPH E. BROWN.

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RICHMOND, April 17, 1862.

HIS EXCELLENCY GOVERNOR J. E. BROWN,

Savannah, Ga.:

Were the State troops raised by Georgia, and lately under General Jackson, ever mustered into the service of the Confederate States, or were they still in the service of Georgia?

GEO. W. RANDOLPH,

*Secretary of War.*

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SAVANNAH, April 17, 1862.

HON. GEORGE W. RANDOLPH,

*Secretary of War:*

The State troops have never been mustered into the service of the Confederate States, but are still in the

service of Georgia. You stated that all between eighteen and thirty-five must go into Confederate service. These taken out, my organization is disbanded; hence, to prevent confusion at a moment when Savannah is in great danger; I turned over the others with the conscripts to General Lawton, who accepted them altogether. Part of the State troops are mustered out, the term of others just expiring, and others have two months to serve. The transfer leaves General Jackson without a command. There is great dissatisfaction among the troops; some are almost mutinous. I will remain here for a time and do all I can to produce quiet. Jackson's appointment by the President to the command of the division, as it was, would have a most happy effect at a most critical moment. The city is in great peril.

JOSEPH E. BROWN.

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RICHMOND, VA., April, 17, 1862.

GOVERNOR BROWN, OF GEORGIA,

Savannah, Ga.:

Retain your State troops under their present organization. The enrollment can proceed hereafter, or other arrangements made at more leisure. The exigency does not permit of disorganization.

JEFFERSON DAVIS.



SAVANNAH, GA., April 18, 1862.

PRESIDENT JEFFERSON DAVIS,

Under the correspondence with the Secretary of War the State troops have been actually turned over to the Confederate General, and my control over them has ceased. To resume it with a view to reorganization for a short period, when the reorganization may at any moment be destroyed by operation of the conscript act, would be peculiarly embarrassing. The terms of the troops are expiring; under the conscription act you can fill up the ranks, but if you hold that the act repeals State laws when they are in conflict, how can I recruit? If I resume the control can I call for volunteers to fill up the ranks for three years or the war, and will you exempt such volunteers from the operation of the conscription act? If you do not it is impossible, in the present temper of the troops, for me to reorganize or make the force effective as a State force. Whatever is done should be done immediately.

JOSEPH E. BROWN.

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RICHMOND, VA., April 18, 1862.

GOVERNOR BROWN, OF GEORGIA,

Savannah, Ga.:

My object was to avoid an immediate organization, so that the State troops should remain in their defense of Savannah. If the plan adopted effects that I would not disturb it under existing circumstances.

JEFFERSON DAVIS.

## HEADQUARTERS DEPARTMENT OF

SOUTH CAROLINA AND GEORGIA.

POCOTALIGO, April 21, 1862.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

SIR: In accordance with instructions received from the War Department I have the honor to request that you will furnish these headquarters with invoices of the arms belonging to the State of Georgia but seized and appropriated to the use of the Confederate States, in order that they may be replaced by arms of a similar character as nearly as possible.

I am, etc.,

J. C. PEMBERTON,

*Major-General, Commanding.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 22, 1862.

His Excellency JEFFERSON DAVIS,

Richmond, Va.:

DEAR SIR: So soon as I received from the Secretary of War official notice of the passage by Congress of the conscription act, placing in the military service of the Confederate States all white men between the ages of

eighteen and thirty-five years, I saw that it was impossible for me longer to retain in the field the Georgia State troops without probable collision and conflict with the Confederate authorities in the face of the enemy. I therefore acquiesced in the necessity which compelled me to transfer the State forces to the command of the Confederate General at Savannah, and tendered to General Lawton, who commands the Military District of Georgia, not only the conscripts in the State army, but also those not conscripts for the unexpired term of their enlistment. General Lawton accepted the command with the assurance that he would interfere as little as possible with the company and regimental organizations of the troops. This assurance I trust the Government will permit him to carry out in the same spirit of liberality in which it was given. If the State regiments are broken up and the conscripts belonging to them forced into other organizations against their consent it will have a very discouraging effect. If the regiments and companies were preserved and permission given to the officers to fill up their ranks by recruits there would be no doubt of their ability to do so, and I think they have a just right to expect this privilege. Georgia has promptly responded to every call made upon her by you for troops, and has always given more than you asked. She has now about 60,000 in the field. Had you called upon her Executive for 20,000 more (if her just quota), they would have been furnished without delay. The plea of necessity, so far at least as this State is concerned, cannot be set up in defense of the conscription act. When the Government of the United States disregarded and attempted to trample upon the rights of the States, Georgia set its power at defiance, and seceded from the Union rather than to

submit to the consolidation of all power in the hands of the Central or Federal Government. The conscription act not only put it in the power of the Executive of the Confederacy to disorganize her troops, which she was compelled to call into the field for her own defense in addition to her just quota because of the neglect of the Confederacy to place sufficient troops upon her coast for her defense, which would have required less than half the number she has sent to the field, but also places it in his power to destroy her State Government by disbanding her law-making power.

The Constitution of this State makes every male citizen who has attained the age of twenty-one years eligible to a seat in the House of Representatives of the General Assembly and every one who has attained the age of twenty-five eligible to a seat in the Senate. There are a large number of members of the General Assembly between the ages of eighteen and thirty-five. They are white citizens of the Confederate States, and there is no statute in the State, and I am aware of none in the Confederate States' Code, which exempts them from military duty. They, therefore, fall within the provisions of the conscription act. It may become necessary for me to convene the General Assembly in extra session; or, if not, the regular session will commence the first Wednesday in November. When the members meet at the capitol, if not sooner, they might be claimed as conscripts by a Confederate officer with a view to carry them to some remote part of the Confederacy as recruits to fill up some company now in service. They have no military power, and could not look to the Executive of the State for military protection, and I cannot hesitate to say that in such case I would use all the remaining military force

of the State in defense of a co-ordinate constitutional branch of the Government. I can therefore, permit no enrollment of the General Assembly under the conscription act. The same is true of the judges of the Supreme and Superior courts, should any of them fall within the ages above mentioned, and of the secretaries of the Executive Department, the heads and necessary clerks of the other departments of the State Government, and the tax collectors and receivers of the different counties, who are now in the midst of their duties, and are not permitted by law to supply substitutes, and whose duties must be performed or the revenues of the State cannot be collected. The same remark applies to the staff of the commander-in-chief. There is no statute exempting them from military duty for the reason that they are at all times subject to command of the Governor and are not expected to go in the ranks. The State's quartermaster, commissary, ordnance, and engineer departments fall within the same rule. The major-generals, brigadier-generals, and other field officers of the militia would seem to be entitled to like consideration.

Again, the Western and Atlantic Railroad is the property of the State, and is under the control and management of the Governor. It is a source of revenue to the State, and its successful management is a matter of great military importance both to the State and the Confederacy. I now have an efficient force of officers and workmen upon the road, and must suspend operations if all between eighteen and thirty-five are taken away from the road. I would also invite your attention to the further fact that the State owns and controls the Georgia Military Institute at Marietta, and now has in the Institute over 125 cadets, a large

proportion of whom are within the age of conscripts. If they are not exempt this most important institution is broken up. I must not omit in this connection the students of the State University and of the other colleges of the State. These valuable institutions of learning must also be suspended if the law is enforced against the students. I would also respectfully call your attention to the further fact that in portions of our State where the slave population is heavy almost the entire white male population capable of bearing arms (except the overseers on plantations) are now in the military service of the Confederacy. Most of these overseers are over eighteen and under thirty-five. If they are carried to the field thousands of slaves must be left without overseers, and their labour not only lost at a time when there is great need of it in the production of provisions and supplies for our armies, but the peace and safety of helpless women and children must be imperiled for want of protection against bands of idle slaves, who must be left to roam over the country without restraint. It is also worthy of remark that a large proportion of our best mechanics, and of the persons engaged in the various branches of manufacturing now of vital importance to the success of our cause, are within the ages which subject them to the provisions of the conscription act. My remark that I cannot permit the enrollment of such State officers as are necessary to the existence of the State Government and the working of the State road does not, of course, apply to persons engaged in the other useful branches of industry considered of paramount importance; but I must ask, in justice to the people of this State, that such exemptions among these classes be made as the public necessities may require.

As you are well aware, the military operations of the Government cannot be carried on without the use of all our railroads, and the same necessity exists for the exemption of all other railroad officers and workmen which exists in the case of the State road. There are doubtless other important interests not herein enumerated which will readily occur to you which must be kept alive or the most serious consequences will ensue. The Constitution gives to Congress the power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. The conscription act gives the President the power to enroll the entire militia of the States between eighteen and thirty-five, and takes from the States their constitutional right to appoint the officers and train the militia. While the act does not leave to the States the appointment of a single officer to command the militia employed in the service of the Confederate States under its provisions, it places it in the power of the President to take a major-general of the militia of a State, if he is not thirty-five years of age, and place him in the ranks of the C. S. Army under the command of a third lieutenant appointed by the President, and to treat him as a deserter if he refuses to obey the call and submit to the command of the subaltern placed over him. I do not wish to be understood in any portion of this letter to refer to the intentions of the President, but only to the extraordinary powers given him by the act. This act not only disorganizes the military systems of all the States, but consolidates almost

the entire military power of the States in the Confederate Executive with the appointment of the officers of the militia, and enables him at his pleasure to cripple or destroy the civil government of each State by arresting and carrying into the Confederate service the officers charged by the State Constitution with the administration of the State Government. I notice, by a perusal of the conscription act, that the President may, with the consent of the Governors of the respective States, employ State officers in the enrollment of the conscripts. While I shall throw no obstructions in the way of the general enrollment of persons embraced within the act, except as above stated, I do not feel that it is the duty of the Executive of a State to employ actually the officers of the State in the execution of a law which virtually strips the State of her constitutional military powers, and, if fully executed, destroys the legislative department of her Government, making even the sessions of her General Assembly dependent upon the will of the Confederate Executive. I therefore respectfully decline all connection with the proposed enrollment and propose to reserve the question of the constitutionality of the act and its binding force upon the people of this State for their consideration at a time when it may less seriously embarrass the Confederacy in the prosecution of the war. You will much oblige by informing me of the extent to which you propose making exemptions, if any, in favor of the interests above mentioned, and such others as you may consider of vital importance. The question is one of the greatest interest to our people, and they are anxious to know your pleasure in the premises.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.



RICHMOND, VA., April 23, 1862.

GOVERNOR BROWN,

Savannah:

An act has passed and been approved authorizing the President to accept State troops, if tendered by the Governor and authorized in conformity with the act of March 6, 1861. You can therefore tender your State troops, and if organized in conformity with said act they will be received.

G. W. RANDOLPH,

*Secretary of War.*

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RICHMOND, April 25, 1862.

GENERAL SAM JONES:

I am instructed by the Secretary of War to say that the prisoners from Cahaba and Montgomery may be sent to such points in Georgia as yourself and the Governor of Georgia may settle.

JOHN H. WINDER,

*Brigadier-General.*

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MOBILE, April 25, 1862.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

Secretary of War orders me to send prisoners of

war—about 1,800—to such point in Georgia as you and I can agree on. Where shall I send them?

SAM'L JONES,  
*Major-General.*

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RICHMOND, April 28, 1862.

His Excellency JOSEPH E. BROWN,

*Governor of the State of Georgia:*

DEAR SIR: I have received your letter of the 22d instant informing me of your transfer of the Georgia State Troops to General Lawton, commanding Confederate forces at Savannah, suggesting that there be as little interference as possible on the part of the Confederate authorities with the present organization of those troops, and mentioning various persons and classes as proper subjects for exemption from military service under the provisions of "An Act to further provide for public defence," approved on the 16th instant. I inclose copies of the act for receiving State troops tendered as organized, and of the exemption act. By the first, interference with the present organization of companies, squadrons, battalions or regiments tendered by Governors of States is specially disclaimed. By the other, exemptions are made which explain (satisfactorily I trust) the policy of Congress with regard to the persons and interests you specify. The constitutionality of the act you refer to as the "conscription bill" is clearly not derivable from the power to call out the militia, but from that to raise armies. With regard to the mode of officering the

troops now called into the service of the Confederacy, the intention of Congress is to me, as to you, to be learned from its acts, and from the terms employed it would seem that the policy of election by the troops themselves is adopted by Congress.

With great regard, very respectfully,

Your obedient servant,

JEFFERSON DAVIS.

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[Inclosure No. 1.]

AN ACT supplementary to an Act further to provide for the public defense.

*The Congress of the Confederate States of America do enact*, That the President be, and he is hereby authorized, to accept the services of any companies, squadrons, battalions, or regiments which have been organized and are now in service under the authority of any of the States of the Confederacy, and which may be tendered by the Governors of said States, with an organization conforming to the act of March sixth, A. D. eighteen hundred and sixty-one, "to provide for the public defence." Approved April 21, 1862.

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[Inclosure No. 2.]

AN ACT to exempt certain persons from enrollment for service in the armies of the Confederate States.

*The Congress of the Confederate States of America do enact*, That all persons who shall be held to be unfit

for military services under rules to be prescribed by the Secretary of War; all in the service or employ of the Confederate States; all judicial and executive officers of the Confederate or State Governments; the members of both Houses of Congress and of the Legislatures of the several States and their respective officers; all clerks of the officers of the State and Confederate Governments allowed by law; all engaged in carrying the mails; all ferrymen on post routes; all pilots and persons engaged in the marine service and in actual service on river and railroad routes of transportation; telegraphic operators, and ministers of religion in the regular discharge of ministerial duties; all engaged in working in iron mines, furnaces and foundries; all journeymen printers actually engaged in printing newspapers; all presidents and professors of colleges and academies, all teachers having as many as twenty scholars; superintendents of the public hospitals, lunatic asylums and the regular nurses and attendants therein, and the teachers employed in the institutions for the deaf and dumb, and blind; in each apothecary store now established and doing business, one apothecary in good standing who is a practical druggist; superintendents and operatives in wool and cotton factories, who may be exempted by the Secretary of War; shall be and are hereby exempted from military service in the Armies of the Confederate States.

Approved April 21, 1862.

RICHMOND, VA., April 30th, 1862.

His Excellency GOVERNOR BROWN,

Milledgeville:

Fearing that my telegraph to you on the 23d instant about the State troops may not have reached you, I repeat it. The State troops will be received if tendered by you under an organization conforming to the act of March 6, 1861. I presume that their present organization conforms to that act. If so, I will accept them upon being notified of your wishes. When in the Confederate service they will be in all respects on the footing of the other troops, and may be filled up with conscripts. All over thirty-five will be discharged in ninety days.

G. W. RANDOLPH,

*Secretary of War.*

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ATLANTA, May 1, 1862.

HON. GEORGE W. RANDOLPH:

The State has placed all her means of defense in the hands of the President. The enemy are near Chattanooga. If it is taken, the railroad bridges on both sides of it burned, we are cut off from the coal mines, and all our iron mills are stopped. We are soon to be driven out of Tennessee, it seems, and both armies fed on what little provision is left in the cotton regions. It cannot last long. Our wheat crop is ruined with rust, and all our young men not now under arms called from their fields under the conscription act, when you have not

arms for them. If this policy is to be continued, hunger will at no distant day produce its natural result. Might not an army of 50,000 men, under a bold leader, march from Chattanooga on Nashville and Louisville, transfer their armies and their operations to the rich fields and large provision supplies of Kentucky? If so, it would be worth more than all our operations against gunboats on the coast. Excuse me if I intrude. I express but the universal sentiments of our people when I say that the defensive policy of fortifying and falling back toward the center will, if persisted in, end in starvation and overthrow.

Let me beg you to send heavy re-enforcements to Chattanooga without delay. When Georgia has sent so many troops to the field, it is injury to leave her vital points exposed with no adequate protection. The President has her men and her guns, and she looks to him. I remain here to-morrow.

JOSEPH E. BROWN.

[Indorsement.]

Respectfully returned to the honorable the Secretary of War, as it has been attended to.

G. W. C. LEE,

*Colonel and Aide-de-Camp to the President.*

RICHMOND, VA., May 2, 1862.

GOV. JOSEPH E. BROWN OF GEORGIA,

Atlanta, Ga.:

Your dispatch of 1st May referred to me. I concur with you as to the importance of Chattanooga.

The six regiments called from Camp McDonald were with difficulty armed. Every effort was made to do so, that they might serve to defend the country to which you refer. They were removed without previously consulting me, and I have not been able to supply their place.

Your dispatch indicates a willingness to withdraw your former objection to the transfer of troops from the sea-coast of Georgia. If a brigade can be spared from there, General Pemberton will be directed to send it to Chattanooga.

JEFFERSON DAVIS.

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ATLANTA, GA., May 2, 1862.

HON. GEORGE W. RANDOLPH,

*Secretary of War:*

Your dispatch just received. I turned over all the State troops to General Lawton, in command at Savannah, on the 16th of April. Under our correspondence he accepted them, and I notified you of my action. I think he has disbanded most of them and sent them home.

If re-enforcements are not sent to Chattanooga immediately we shall be cut off from the coal mines, and

all the iron mills and machine shops in the State will be stopped.

I have no means to arm the militia, and could not organize a force sufficient without taking conscripts.

JOSEPH E. BROWN.

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RICHMOND, VA., May 5, 1862.

GOVERNOR BROWN, OF GEORGIA,

Milledgeville, Ga.:

Your dispatch received. Such campaign as you suggest has long been desired. Its adoption is a question of power, not of will. Something less than the whole we hope to achieve with preparations now being made, and the limit will be controlled by our means. Thank you for the tender of your co-operation, and the assurance it gives that your zeal increases with the country's needs.

JEFFERSON DAVIS.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 5, 1862.

HON. G. W. RANDOLPH,

*Secretary of War:*

DEAR SIR: I received your telegram at Atlanta, on my return from Chattanooga to this place, informing me



that you were authorized by a late act of Congress to accept the State troops, if tendered by companies, squadrons, battalions, and regiments, as provided by the act of March 6, 1861. I replied, advising you that I had, under the correspondence between us, transferred the State troops on the 16th of April last to the Confederate General in command who accepted them, of which I informed you. These facts having all been laid before you at the time of the transfer, I can see but a single object which you can have in now offering to accept the regiments, &c., if tendered, and that is, as I now construe your dispatch, that you are willing to place these regiments thus transferred upon the same footing of other regiments, battalions, &c., in Confederate service. This would be a simple act of justice, and, if I put the proper construction on your telegram, I am much gratified at the conclusion at which you have arrived. As I stated in my reply, I am informed that General Lawton has disbanded most of the troops and sent them home. It is said, however, that those who fall within the age of conscripts are to return after a short furlough. On their return they can, if you so direct, be placed under the company and field officers who commanded in their respective regiments while in State service, and the places of those not conscripts, who do not return, filled by recruits who either volunteer to join the regiments or are sent to the regiment by your order. This would maintain the regimental organization of the troops and to that extent do justice by placing them, as they have a right to be, upon terms of equality with Confederate regiments. These troops were organized under statutes of this State, and some of the companies did not have the number specified by the act of Congress of March, 1861,

but this defect could be easily obviated by ordering in a sufficient number of recruits, who are at your command, to fill the companies to the number now required by law. I deeply regret that the late act of Congress (a copy of which has been sent me by the President) did not provide for the reception of the troops by divisions and brigades as organized by the State. The Generals in command of the State troops at the time of the transfer are officers of very great merit, who have labored hard to bring their respective commands to a high state of proficiency. The State cannot, without great inconvenience, afford to lose the services of such Generals as Jackson, Walker, Harrison and Capers at a time of so great public peril. I must, therefore, renew and urge my request that General Jackson be appointed by the President to the command of the division to be reformed out of the State troops and the recruits necessary to fill up the regiments, which I am willing to arm with the State's guns, if the rights of the States are respected in the organization. I have further to request and urge that each of the brigadier-generals, to-wit: Harrison, Capers and Walker, be reappointed by the President to the command of their respective brigades.

If these gentlemen sustain a character for gallantry and ability as officers equal to others who may be assigned to the command (and I feel quite sure that no one who knows them will question it), the fact that they were appointed to the respective positions lately occupied by them by the highest authority in the State, and that the troops lately commanded by them may be armed by the State in the event of their appointments, certainly presents a case where it would be proper that the wishes of the constituted authorities of the State should be re-

spected. I express but the opinion of half a million Georgians when I say that these Generals will compare most favorably with many now in Confederate service, occupying the rank held by them, respectively, while in State service. I am aware that it has been objected that the appointment of General Jackson, as a major-general, to the command of his old division, would cause him to rank General Lawton, who now commands this military district. This is not the necessary result, as the President has power to assign General Lawton to his old command, while General Jackson has the command of his old division. There is precedent for this in the action of the President when he assigned General Loring to the command in North Western Virginia, where General Jackson was his senior officer and ranked him, and still General Jackson was assigned to a command of one wing of the army, acting separately but under the general direction of General Loring, his junior officer. As the President has the power thus to regulate the relative commands without regard to rank, this could be no obstacle in the way of the act of justice which I claim for the gentleman above mentioned. You will greatly oblige me by communicating your decision in reference to the maintenance of the integrity of the State regiments, and the decision of the President in regard to the appointment of the Generals, at the earliest day possible, as the troops will soon return to the field, and it is important that your pleasure be known at an early day.

With great regard, I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 6, 1862.

HON. G. W. RANDOLPH,

*Secretary of War:*

DEAR SIR: I have seen your telegraph to Colonel Barkuloo that the Georgia State troops (of which his regiment composed part) will be accepted by you if tendered by me. I beg to refer you to our former correspondence and my letter to you of yesterday. If another tender of that which has already been tendered and accepted is necessary, as a matter of form to secure their rights to the officers and soldiers of the late State regiments, I hereby retender all the State regiments, and ask that they be continued in Confederate service and placed upon terms of perfect equality with regiments which originally entered the Confederate service.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

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MILLEDGEVILLE, GA., May 6, 1862.

GENERAL R. E. LEE,

If the authorities of Augusta and Savannah desire martial law and General Pemberton thinks it a military necessity I have no objection.

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 7, 1862.

HON. G. W. RANDOLPH,

DEAR SIR: Inclosed I send you a copy of your dispatch to me of April 5,\* 1862, in which you promise to punish any Confederate officer who again knowingly interferes with the State's arms imported by me. By a letter of Colonel Gorgas dated May 1, 1862, I am informed that twelve boxes of my Enfield rifles were received by the Nashville and that they have been ordered by General Lee to General E. K. Smith, of East Tennessee. Mr. Gorgas adds that he did not deem it worth while to send them to me. I simply state the case and remind you of your promise, not doubting that you will act properly in the premises. When may I expect all that have been seized to be returned? I shall regret to be compelled to resort to counter seizures as the only mode of redress against these arbitrary wrongs of your officers.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

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[First indorsement.]

Chief of ordnance for report.

[GEO. W. RANDOLPH.]

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\*See dispatch April 5, 1862, this volume.

[Second indorsement.]

The twelve boxes of arms referred to were received here from the cargo of the Nashville, and were by General Lee directed to be forwarded to General Kirby Smith, Knoxville, to be by him placed in the hands of the Fifty-Second Georgia Regiment, at Chattanooga without arms. General Smith was informed of the destination of the arms, and Governor Brown requested to communicate with General Smith if he desired any other disposition made of the arms.

J. GORGAS.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 8, 1862.

DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 28th ult., in reply to my letter to you upon the subject of the Conscription Act. I should not trouble you with a reply, were it not that principles are involved of the most vital character, upon the maintenance of which, in my opinion, depend not only the rights and sovereignty of the States, but the very existence of State Government.

While I am always happy as an individual to render you any assistance in my power, in the discharge of the laborious and responsible duties assigned you, and while I am satisfied you will bear testimony that I have never, as the executive of this State, failed in a single instance to furnish all the men, and more than you have called

for, and to assist you with all the other means at my command, I cannot consent to commit the State to a policy which is, in my judgment, subversive of her sovereignty, and at war with all the principles for the support of which Georgia entered into this revolution.

It may be said that this is no time to discuss constitutional questions in the midst of revolution, and that State rights and State sovereignty must yield for a time to the higher law of necessity. If this is a safe principle of action, it cannot certainly apply until the necessity is shown to exist; and I apprehend it would be a dangerous policy to adopt, were we to admit that those who are to exercise the power of setting aside the Constitution, are to be the judges of the necessity for so doing. But did the necessity exist in this case? The Conscription Act cannot aid the Government in increasing its supply of arms or provisions, but can only enable it to call a larger number of men into the field. The difficulty has never been to get men. The States have already furnished the Government more than it can arm, and have, from their own means, armed and equipped very large numbers for it. Georgia has not only furnished more than you have asked, and armed and equipped from her own treasury, a large proportion of those, she has sent to the field, but she stood ready to furnish promptly her quota (organized as the Constitution provided) of any additional number called for by the President.

I beg leave again to invite your attention to the constitutional question involved; you say in your letter that the constitutionality of the Act is clearly not derivable from the power to call out the militia, but from that to raise armies. Let us examine this for a moment. The

8th section of the 1st article of the Constitution defines the powers of Congress. The 12th paragraph of that section declares that Congress "shall have power to raise and support armies." Paragraph 15 gives Congress power to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions. Paragraph 16 gives Congress power to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

These grants of power all relate to the same subject matter, and are all contained in the same section of the Constitution, and by a well known rule of construction, must be taken as a whole and construed together.

It would seem quite clear, that by the grant of power to Congress to raise and support armies, without qualification, the framers of the Constitution intended the regular armies of the Confederacy, and not armies composed of the whole militia of all the States. If all the power given in the three paragraphs above quoted, is in fact embraced in the first, in the general words *to raise armies*, then the other two paragraphs are mere surplusages, and the framers of the Constitution were guilty of the folly of incorporating into the instrument non-meaning phrases. When the States, by the 16th paragraph, expressly and carefully reserved to themselves the right to appoint the officers of the militia, when employed in the service of the Confederate States, it was certainly never contemplated that Congress had power,



should it become necessary to call the whole militia of the States into the service of the Confederacy, to direct that the President should appoint (commission) all the officers of the militia thus called into service, under the general language contained in the previous grant of power *to raise armies*. If this can be done, the very object of the States in reserving the power of appointing the officers is defeated, and that portion of the Constitution is not only a nullity, but the whole military power of the States, and the entire control of the militia, with the appointment of the officers, is vested in the Confederate Government, whenever it chooses to call its own action "raising an army," and not "calling forth the militia." Is it fair to conclude that the States intended that these reserved powers should be defeated in a matter so vital to constitutional liberty, by a mere change in the use of terms to designate the act? Congress shall have power *to raise armies*. How shall it be done? The answer is clear. In conformity to the provisions of the Constitution, which expressly provides, that when the militia of the States are called forth to *repel invasion*, and employed in the service of the Confederate States (which is now the case), the States shall appoint the officers. If this is done, the army is raised as directed by the Constitution, and the reserved rights of the States are respected; but if the officers of the militia, when called forth, are appointed by the President, the army composed of the militia is not raised as directed by the Constitution, and the reserved rights of the States are disregarded. The fathers of the Republic, in 1787, showed the utmost solicitude on this very point. In the discussion in the Convention on the adoption of this paragraph in the Consti-

tution of the United States which we have copied and adopted without alteration, Mr. Ellsworth said, "The whole authority over the militia ought by no means to be taken away from the States, whose consequence would pine away to nothing after such a sacrifice of power." In explanation of the power which the committee, who reported this paragraph to the convention, intended by it to delegate to the General Government, when the militia should be employed in the service of that government, Mr. King, a member of the committee, said, "By ORGANIZING, the committee meant proportioning the officers and men; by ARMING, the kind, size and calibre of arms; by DISCIPLINING, prescribing the manual exercise, evolutions, &c."

Mr. Gerry objected to the delegation of the power, even with this explanation, and said, "This power in the United States, as explained, is making the States drill sergeants. He had as lief let the citizens of Massachusetts be disarmed as to take the command from the States, and subject them to the General Legislature."

Mr. Madison observed that "ARMING, as explained, did not extend to furnishing arms, nor the term DISCIPLINING, to penalties and courts martial for enforcing them."

After the adoption by the Convention of the first part of the clause, Mr. Madison moved to amend the next part of it so as to read "reserving to the States, respectively, the appointment of the officers, under the rank of GENERAL OFFICERS." Mr. Sherman considered this as absolutely inadmissible. He said, "that if the people should be so far asleep as to allow the most influential officers of the militia to be appointed by the General Gov-

ernment, every man of discernment would rouse them by sounding the alarm to them." Upon Mr. Madison's proposition Mr. Gerry said, "Let us at once destroy the State Governments, have an Executive for life, or heredity, and a proper Senate, and then there would be some consistency in giving full powers to the General Government; but as the States are not to be abolished, he wondered at the attempts that were made to give powers inconsistent with their existence. He warned the Convention against pushing the experiment too far."

Mr. Madison's amendment to add to the clause the words "*under rank of general officers*," was voted down by a majority of eight States against three, according to the "Madison Papers," from which the above extracts are taken; and by nine States against two, according to the printed journals of the Convention. The reservation in the form in which it now stands in the Constitution, "reserving to the States the appointment of the officers," when the militia are employed in the service of the Confederacy, as well the General officers as those under that grade, was adopted unanimously by the Convention.

At the expense of wearying your patience, I have been thus careful in tracing the history of this clause of the Constitution, to show that it was the clear understanding of those who originated this part of the fundamental law that the States should retain their power over their militia, even while in the service of the Confederacy, by retaining the appointment of *all the officers*.

In practice, the Government of the United States, among other numerous encroachments of power, had usurped to itself the power, which the Convention, after mature deliberation, had expressly denied to it, to-wit:

the power of appointing the GENERAL OFFICERS of the militia, when employed in the service of the General Government.

But even that Government had never attempted to go to the extent of usurping the power to appoint the field and company officers. If the framers of the Constitution were startled at the idea of giving the appointment of the general officers to the General Government, and promptly rejected it, how would they have met a proposition to give the appointment of ALL THE OFFICERS, down to the lowest lieutenant, to it?

But, you say, "with regard to the mode of officering the troops now called into the service of the Confederacy, the intention of Congress is to be learned from its acts; and from the terms employed, it would seem that the policy of election by the troops themselves is adopted by Congress."

I confess I had not so understood it, without very essential qualifications. It is true, the twelve months' men who re-enlist have a right within forty days to re-organize and elect their officers.

But if I understand the Act, judging from the terms used, all vacancies which occur in the old regiments, are to be filled, not by election, but by the President, by promotion, down to the lowest commissioned officer, whose vacancy alone is filled by election; and even this rule of promotion may be set aside by the President at any time, under circumstances mentioned in the Act, and he may appoint any one he pleases to fill the vacancy, if, in his opinion, the person selected is distinguished for skill or valor; and the commission in either and all cases mentioned must be issued by the President.

Quite a number of Georgia regiments are in for the war, whose officers hold commissions from the Executive of the State; but even in these regiments, under the Act, every person appointed to fill any vacancy which may hereafter occur, it would seem, must hold his commission, not from the State, but from the President.

But admit that Congress, by its acts intended to give the troops in every case the right to elect officers (which has not been the established practice, as you have commissioned many persons to command as field officers without election) this does not relieve the acts of Congress from the charge of violation of the Constitution. The question is not as to the mode of selecting the person who is to have the commission, but as to the Government which has, under the Constitution, the right to issue the commission. The States, in the exercise of their reserved power to appoint the officers, may select them by election, or may permit the Executive to select them; but the appointment rests upon the commission, as there is no complete appointment till the commission is issued; and therefore the Government that issues the commission exercises the appointing power, and controls the appointment.

I am not, however, discussing the intention of Congress in the assumption of this power, but only the question of its POWER; and whatever may have been its intention, I maintain that it has transcended its Constitutional powers, and has placed in the hands of the Executive of the Confederacy that which the States have expressly and carefully denied to Congress and reserved to themselves.

But you may ask, why hold the Executive responsible

for the unconstitutional action of Congress? I would not, of course, insist on this any further than the action of Congress has been sanctioned by the Executive, and acted upon by him.

Feeling satisfied that the Conscription Act, and such other Acts of Congress as authorize the President to appoint or commission the officers of the militia of the State, when employed in the service of the Confederate States "to repel invasion," are in palpable violation of the Constitution, I can consent to do no act which commits Georgia to willing acquiescence in their binding force upon her people. I cannot therefore consent to have anything to do with the enrollment of the conscripts in this State; nor can I permit any commissioned officer of the militia to be enrolled, who is necessary to enable the State to exercise her reserved right of training her militia, according to the discipline prescribed by Congress, at a time, when to prevent troubles with her slaves, a strict military police is absolutely necessary to the safety of her people. Nor can I permit any other officer, civil or military, who is necessary to the maintenance of the State Government, to be carried out of the State as a conscript.

Should you at any time need additional troops from Georgia to fill up her just quota, in proportion to the number furnished by the other States, you have only to call on the Executive for the number required to be organized and officered as the Constitution directs, and your call will, as it ever has done, meet a prompt response from her noble and patriotic people who, while they will watch with a jealous eye, even in the midst of revolution,

every attempt to undermine their Constitutional rights, will never be content to be behind the foremost in the discharge of their whole duty.

I am, with great respect,

Your obedient servant,

JOSEPH E. BROWN.

His Excellency, JEFFERSON DAVIS.

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HDQRS. DEPT. OF SOUTH CAROLINA AND GEORGIA,

CHARLESTON, May 8, 1862.

GOVERNOR BROWN,

Milledgeville, Ga.

I am asked from Richmond whether the authorities wish martial law proclaimed in Savannah. I desire it.  
Answer.

J. C. PEMBERTON,

*Major-General, Commanding.*

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CHARLESTON, May 9, 1862.

GENERAL R. E. LEE,

Richmond.

Governor Brown says:

I have no objections to martial law in Savannah if

the people desire it. You have, with the consent of the President, full power in the premises.

I think it necessary that it should be.

J. C. PEMBERTON,

*Major-General, Commanding.*

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HDQRS. DEPT. OF SOUTH CAROLINA AND GEORGIA,

SAVANNAH, GA., May 13, 1862.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

GOVERNOR: I have the honor to inclose a copy of a letter\* from the Secretary of War to myself, received by the hands of Hon. Alf. Iverson on the 11th instant. During the very few days of my control over the Department of Eastern and Middle Florida I examined the Chattahoochee River as far up as the town of the same name, with a view to the location of a battery between Apalachicola and Chattahoochee. I saw no site which offered so many advantages as that of old Fort Gadsden. This opinion I expressed to Brigadier-General Trapier, and advised its occupation. The guns, however, had been landed at Ricco's Bluff and works commenced, and for these reasons only I believe General Trapier determined to establish his batteries there. Between Chattahoochee and Columbus, I know nothing by personal observation of the desirable localities. To my mind, however, it is



very plain that the battery and obstructions should cover as much of the country as possible from invasion by the river. Fort Gadsden has many requisites. The site is sufficiently elevated; there are good roads in the rear; a long straight road in front; the banks on either side are swampy, and nearly or quite impracticable to an enemy; the width of the river is about the average, and in no part is it too wide or too deep to be easily and effectually obstructed. I prefer to all other methods the plan of cribs as constructed and laid in the Savannah River. The addition of trees in large numbers placed just below the cribs and under fire of the batteries should prevent the passage of boats of the smallest draught. It may be that Fort Gadsden is unhealthy; if so, it is certainly a disadvantage, but should not be regarded an insuperable objection. I am informed of a position some ten miles above Chattahoochee, known as Rock Island. I have not seen the locality. Unless it has very greatly superior advantages in other respects it is higher up than I should like. Wherever the site selected may be it will become necessary to apply to the War Department to withdraw the guns from Ricco's Bluff, unless Fort Gadsden be chosen, to any point below Chattahoochee lying within the Department of Eastern and Middle Florida, over which I have no control. Should Fort Gadsden be selected, General Finegan commanding the Department, is competent to make the change. I leave the choice of the localities to Colonel Boggs, whom I understand Your Excellency to place under my orders for the proposed object, and I will thank you to instruct him in my name to proceed at once to make the necessary reconnaissance, reporting to me the result. For this end he is authorized to employ such transportation and assistance as he may

deem necessary. If my other duties will permit, I shall endeavor to visit the river myself in a few days.

Very respectfully,

J. C. PEMBERTON,

*Major-General, Commanding.*

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[\*Inclosure.]

WAR DEPARTMENT, C. S. A.

RICHMOND, VA., May 7, 1862.

MAJ. GEN. J. C. PEMBERTON,

*Comdg. Dept. of South Carolina, Georgia, Etc.:*

GENERAL: I send to you, by Hon. Alfred Iverson, a communication addressed by the mayor of Columbus, Ga., in reference to the defense of the Chattahoochee River, and commend it to your consideration. Mr. Iverson, being well acquainted with the locality, may be able to render you some assistance, especially in procuring labor.

You will have a reconnaissance of the river made by a competent engineer, and cause it to be obstructed at the most suitable point for locating and defending the obstruction.

The introduction of small iron-clad steamers into the coast operations of the enemy renders it necessary to change our plans of river defenses, and to rely upon obstructions more than we have heretofore.

For the reasons assigned in the letter of the mayor no

time should be lost in completing the necessary obstructions and batteries.

Very respectfully, your obedient servant,

G. W. RANDOLPH,

*Secretary of War.*

HEADQUARTERS, RICHMOND, VA., May 13, 1862.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia:*

Milledgeville:

GOVERNOR: I regret to perceive by Your Excellency's letter of the 7th instant to Colonel Gorgas that you suppose it was intended by me to take possession of certain Enfield rifles received by the Nashville. The cargo of the Nashville was saved with much difficulty and brought to Wilmington at a time when it was believed from the movements of General Burnside, then in possession of New Berne and other points on that coast, that he was preparing to attack that city. The whole cargo was reported as belonging to the Confederate States, and was forwarded here with all possible dispatch, except certain arms issued to the troops at Goldsborough. Before the arrival of the arms in this city orders were given for a certain number to be forwarded to General Kirby Smith, Knoxville, for the armament of the Georgia regiments sent by Your Excellency to that place. In the act of forwarding the arms to Knoxville Colonel Gorgas reported that twelve of the boxes were marked with your initials,

“J. E. B.,” and that he was confident, though he had no other evidence, that they were intended for the State of Georgia. I told him to report the facts to you and ascertain your wishes. I was unwilling to retain the arms in this city and thought it hazardous to send them back over the road and through Wilmington, which at that time was entirely engrossed with the transportation of troops, stores, etc., and therefore authorized them to be forwarded with the other arms to Knoxville, with the express understanding that they were not to be issued until you signified your assent, and then only to the Georgia troops. As you had been obliged to send these troops from the State unarmed, from your previous willingness to furnish all the arms in your power, I believe that would be the destination you would give them. I acknowledge your right as to their distribution, and but for the circumstances which I have related I should have forbidden their leaving the city until you had been heard from. I will now direct that they be sent through Chattanooga to Milledgeville and request General Smith to telegraph you the time of their departure. I exceedingly regret my misapprehension of Your Excellency’s intentions, especially as I have no other arms to issue to the Georgia regiments in their stead.

I am, very respectfully, your obedient servant,

R. E. LEE,

*General.*

## CONFEDERATE STATES OF AMERICA.

WAR DEPARTMENT,

RICHMOND, VA., May 20, 1862.

His Excellency GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

DEAR SIR: At the time you turned over the Georgia State troops to General Lawton, Congress had not passed the act authorizing their reception. Upon the passage of that act I informed you by telegraph that I was authorized to accept them, and have just received your letter of the 5th instant tendering them to the Confederate States Government. They will be in all respects on the same footing as regiments raised under the authority of the War Department. If the muster rolls have not been delivered to General Lawton I must request that you will cause them to be forwarded to the Adjutant-General. I shall lay your letter before the President. I have appointed Colonel Dunwody to take charge of the enrollment of conscripts, and have furnished him with full instructions and a copy of the act of exemption. No State officer is liable to enrollment, and should any such officer be enrolled it will only be necessary to bring it to the notice of the Department. Your letter in reference to the seizure of your arms here I trust has been satisfactorily answered by General Lee, to whom it was referred. It is almost impossible to avoid such things when a cargo is hastily landed and moved off without time to examine marks or invoices. I presume that your arms are generally marked "J. E. B." This was not known

to be your mark until recently, and will be respected hereafter.

Very respectfully, your obedient servant,

GEO. W. RANDOLPH,

*Secretary of War.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., May 26, 1862.

HON. GEORGE W. RANDOLPH,

*Secretary of War,*

Richmond, Va.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, in which you say in reference to the conscription act that you "have appointed Colonel Dunwoody to take charge of the enrollment of conscripts, and have furnished him with full instructions and a copy of the act of conscription. No State officer is liable to enrollment, and should any such officer be enrolled it will be only necessary to bring it to the notice of the Department." Be assured, sir, that I feel much gratified at this statement, as the adoption of such a policy as to the enrollment of conscripts in Georgia will insure perfect harmony in that regard between the Confederate and State Governments. I am frank to avow to you that I view the conscription act not only as unnecessary as to Georgia, but as unconstitutional as to all the States; nevertheless, considering the exigencies of the times, while I felt constrained by my obligations

under the Constitution not officially to aid in its execution, I determined to throw no obstacles in the way of its being carried out in Georgia further than might become absolutely necessary to preserve intact the State Government in all its department, civil and military. Hence I addressed a letter to the President and to yourself claiming exemption from the operation of the act of all State officers in Georgia, civil and military. Without the officers of the militia it is impossible to maintain the internal State police regulations absolutely necessary to the safety of the people. Hence it would have been impossible for me to have consented to the enrollment of the State officers of the militia, and if insisted upon conflict must have been the inevitable result. Your assurance that no State officer will be enrolled leaves no further reason to apprehend any such misfortune.

I am, very truly, etc.,

JOSEPH E. BROWN.

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MILLEDGEVILLE, May 26, 1862.

ADJUTANT AND INSPECTOR-GENERAL:

I have the honor to report that in accordance with instructions received at Richmond May 16, 1862, from the Secretary of War, I called upon the Governor of Georgia for permission to employ State officers to enroll recruits under General Orders No. 30. I found the Governor pleasant and conciliatory, although firm and determined in his preconceived views of action with reference to conscript act. He assures me he will not inter-

fere with its execution in the State when not conflicting with his views. He absolutely refuses to give any State aid in the enrollment. Further than the act of exemptions designates, he desires to screen no one from enrollment, excepting a company of some 125 men organized as a guard of bridges, etc., on State Road, the Confederate Government not having detailed troops for that duty in this State. He further, in accordance with General Orders No. 8, a printed copy of which I enclose, \*pointedly orders militia officers not to enroll themselves as conscripts, but to continue in service as officers of the militia of the State by Article VI. He discards all officers of militia whose place has been vacated for any cause whatever, and shall fill said vacancies only by elections. The Governor places great stress upon the necessity of his militia organizations; that he must and shall maintain it by protecting all such officers as may be liable to conscription. Am I to be allowed to use any discretion, or shall I order enrolling officers to bring the issue directly up? Please give me written instructions on this point. The Governor distinctly stated that should I proceed to have enrolled said militia officers he would have me arrested, at the same time disclaiming any personal feeling, but acting as he considered in accordance with his sense of duty as Governor of the State of Georgia in defending her constitutional rights and interests.

I shall proceed immediately to Savannah and move General Lawton as fast as circumstances will admit to furnish me with officers for enrolling in the respective counties. I have not yet fully determined the location of camp No. 1; shall be guided by my instructions and

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\*Not found as an inclosure.



Article II, section 3, referring to that subject. Communications have reached me from Richmond, purporting as have been recognized by Secretary, soliciting position and pressing the selection of camp No. 2. I shall, in accordance with my understanding of instructions, await the obvious necessity of such a camp before I shall recommend its establishment. I have an eye towards quartermaster's and commissary arrangements to be in operation as soon as necessity requires. I have also communicated with medical director as to hospital arrangements for camp. There are other points to which I would call your attention and request your opinions. The multiplicity of permissions granted to individuals to organize regiments, battalions, and companies has in effect destroyed the main feature of the conscript act—the enrollment of men to fill up regiments now in the field, increasing them up to the maximum number allowed in said act, most of the conscripts having joined these new organizations, most of which are full or up to the maximum number. Can this evil be remedied by disbanding weak regiments in field, retaining the enlisted men to fill up others, or can you get rid of some of the officers of these new organizations? I find many regiments, battalions, and companies—some at Camp McDonald, Camp Stephens, and other points mostly full—some organized, some partially so. According to my instructions I shall shortly issue orders calling upon the commanding officers of all such regiments, battalions, and companies not otherwise ordered by the Department to repair to my camp of instruction, reporting their true condition. The same I shall immediately report to the Department. Should I find among them irregularities in organization not in full compliance with their authority limited by Article IV,

sections 10 and 11, how am I to regard said organizations, and what is to be done with their officers? The instructions are clear as to such as are not fully enrolled up to date—17th of May. Article X, on substitutes clearly sets forth that a conscript desiring to furnish “a substitute shall report himself with said substitute at camp of instruction,” etc., there to be enrolled. Many of these new companies gotten up since the passage of the conscript act have enrolled many substitutes, in some as high as twenty or more, the captains giving certificates to the subject of conscription, who are now in their respective counties at home. How shall I instruct the enrolling officer? Are these men subject, or must said captain’s receipts, pointing out where the substitute is to be found, be received by enrolling officer, and he be authorized to pass by the conscript? The colonels elect of the new regiments now organized and not under orders from the Department will rank me. How shall that matter be reconciled? My address for the present will be Marietta, Cobb county, Ga.

I am, sir, very respectfully, your obedient servant,

JOHN DUNWODY,

*Major and Assistant Adjutant-General.*

HEADQUARTERS DEPARTMENT OF

EAST TENNESSEE.

KNOXVILLE, May 27, 1862.

HIS EXCELLENCY GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.

SIR: The movements of the division of the enemy in North Alabama point unmistakably to an attack on Chattanooga.

The force threatening this department by way of Cumberland Gap prevents my meeting such an attack with anything like adequate numbers. Even of the very small number of troops under my command several thousand are unarmed. Can you not send me two or more armed regiments, or arms to put in the hands of those who are without them? The boxes of arms marked "J. E. B.," which you directed me to retain, have never arrived. Any assistance which you may render me at this critical juncture will greatly redound to the cause of our country, and be thankfully received by your obedient servant,

E. KIRBY SMITH,

*Major-General, Commanding.*

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EXECUTIVE DEPARTMENT,

RICHMOND, May 29, 1862.

DEAR SIR: I received your letter on the 8th inst., in due course, but the importance of the subject embraced

in it required careful consideration; and this, together with other pressing duties, has caused delay in my reply.

The constitutional question discussed by you in relation to the Conscription Law had been duly weighed before I recommended to Congress the passage of such a law; it was fully debated in both houses; and your letter has not only been submitted to my Cabinet, but a written opinion has been required from the Attorney-General. The constitutionality of the law was sustained by very large majorities in both houses. This decision of the Congress meets the concurrence, not only of my own judgement, but of every member of the Cabinet; and a copy of the opinion of the Attorney-General, herewith enclosed, develops the reasons on which his conclusions are based.

I propose, however, from my high respect for yourself, and for other eminent citizens who entertain opinions similar to yours, to set forth, somewhat at length, my own views on the power of the Confederate Government over its own armies and the militia, and will endeavor not to leave without answer any of the positions maintained in your letter.

The main, if not the only purpose for which independent States form Unions or Confederations, is to combine the power of the several members in such manner as to form one united force in all relations with foreign powers, whether in peace or in war. Each State amply competent to administer and control its own domestic government, yet too feeble successfully to resist powerful nations, seeks safety by uniting with other States in like condition, and by delegating to some common agent the combined strength of all, in order to secure advantageous

commercial relations in peace and to carry on hostilities with effect in war.

Now, the powers delegated by the several States to the Confederate Government, which is their common agent, are enumerated in the 8th section of the Constitution, each power being distinct, specific, and enumerated in paragraphs separately numbered. The only exception is the 18th paragraph, which, by its own terms, is made dependent on those previously enumerated, as follows:

“18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers,” etc.

Now, the *war powers* granted to the Congress are conferred in the following paragraphs:

No. 1, gives authority to raise “revenue necessary to pay the debts, *provide for the common defense*, and carry on the government,” etc.

“No. 11, *to declare war*, grant letters of marque and reprisal and make rules concerning captures on land and water.”

“No. 12, *to raise and support armies*; but no appropriation of money to that use shall be for a longer term than two years.”

“No. 13, *to provide and maintain a navy*.”

“No. 14, to make rules for the government and regulations of the *land and naval forces*.”

It is impossible to imagine a more broad, ample and unqualified delegation of the whole war power of each

State than is here contained, with the solitary limitation of the appropriations to two years. The States not only gave power to raise money for the common defense; to declare war; to raise and support armies (in the plural); to provide and maintain a navy; to govern and regulate both land and naval forces; but they went further, and covenanted, by the 3rd paragraph of the 10th section, not "to engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

I know of but two modes of raising armies within the Confederate States, viz.: Voluntary, enlistment, and draft or conscription. I perceive, in the delegation of power to raise armies, no restriction as to the mode of procuring troops. I see nothing which confines Congress to one class of men, nor any greater power to receive volunteers than conscripts into its service. I see no limitation by which enlistments are to be received of individuals only, but not of companies, or battalions, or squadrons, or regiments. I find no limitation of time of service, but only of duration of appropriation. I discover nothing to confine Congress to waging war within the limits of the confederacy, nor to prohibit offensive war. In a word, when Congress desires to raise an army, and passes a law for that purpose, the solitary question is under the 18th paragraph, viz.: "Is the law one that is necessary and proper to execute the power to raise armies," etc?

On this point you say: "But did the necessity exist in this case?" The Conscription Act cannot aid the Government in increasing the supply of *arms* or *provisions*, but can only enable it to call a larger number of *men* into the field. The difficulty has never been to get *men*.

The states have already furnished the Government more than it can arm," etc.

I would have very little difficulty in establishing to your entire satisfaction that the passage of the law was not only necessary, but that it was absolutely indispensable; that numerous regiments of twelve months' men were on the eve of being disbanded, whose places could not be supplied by new levies in the face of superior numbers of the foe, without entailing the most disastrous results; that the position of our armies was so critical as to fill the bosom of every patriot with the liveliest apprehension; and that the provisions of this law were effective in warding off a pressing danger. But I prefer to answer your objection on other and broader grounds.

I hold, that when a specific power is granted by the Constitution, like that now in question, "to raise armies," Congress is the judge whether the law passes for the purpose of executing the power, is "necessary and proper." It is not enough to say that armies might be raised in other ways, and that, therefore, this particular way is not "necessary." The same argument might be used against *every* mode of raising armies. To each successive mode suggested, the objection would be that other modes were practicable, and that, therefore, the particular mode used was not "necessary." The true and only test is to enquire whether the law is intended and calculated to carry out the object; whether it devises and creates an instrumentality for executing the specific power granted; and if the answer be in the affirmative, the law is Constitutional. None can doubt that the Conscription Law is calculated and intended to "raise armies." It is, therefore, "necessary and proper" for

the execution of that power, and is Constitutional, unless it comes into conflict with some other provision of our Confederate Compact.

You express the opinion that this conflict exists, and support your argument by the citation of those clauses which refer to the militia. There are certain provisions not cited by you, which are not without influence on my judgment, and to which I call your attention. They will aid in defining what is meant by "militia," and in determining the respective powers of the States and the Confederacy over them.

The several States agree "not to keep *troops* or ships of war in time of peace." Art. 1, sec. 10, par. 3.

They further stipulate, that "a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Sec. 9, par. 13.

That "no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger," etc. Sec. 9, par. 16.

What then are militia? They can only be created by law.—The arms-bearing inhabitants of a State are liable to become its militia, if the law so orders; but in the absence of a law to that effect, the men of a State capable of bearing arms are no more militia than they are seamen.

The Constitution also tells us that militia are not



*troops*, nor are they any part of the *land or naval forces*; for militia exist in time of peace, and the Constitution forbids the States to keep troops in time of peace, and they are expressly distinguished and placed in a separate category from *land or naval forces*, in the 16th paragraph, above quoted; and the words *land or naval forces* are shown, by paragraphs 12, 13 and 14, to mean the army and navy of the Confederate States.

Now, if militia are not the citizens taken singly, but a body created by law; if they are not troops, if they are no part of the army and navy of the Confederacy—we are led directly to the definition quoted by the Attorney-General, that militia are a “*body* of soldiers in a State enrolled for discipline.” In other words, the term “militia” is a collective term, meaning a *body* of men organized, and cannot be applied to the separate individuals who compose the organization.

The Constitution divides the whole military strength of the States into only two classes of organized bodies—one, the armies of the Confederacy; the other, the militia of the States.

In the delegation of power to the Confederacy, after exhausting the subject of declaring war, raising and supporting armies, and providing a navy, in relation to all which the grant or authority to Congress is *exclusive*, the Constitution proceeds to deal with the other organized body, the militia, and instead of delegating power to Congress alone, or reserving it to the States alone, the power is divided as follows, viz.: Congress is to have power—

“To provide for calling forth the militia to execute

the laws of the *Confederate* States, suppress insurrections, and *repel* invasions." Sec. 8. Par. 15.

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; *reserving to the States respectively the appointment of officers and the authority of training the militia* according to the discipline prescribed by Congress. Par. 16.

*Congress*, then, has the power to provide for *organizing* the arms-bearing people of the States into militia. Each *State* has the power to *officer* and *train* them when organized.

*Congress* may call forth the militia to execute *Confederate* laws. The *State* has not surrendered the power to call them forth to execute *State* laws.

Congress may call them forth to repel invasion; so may the State, for it has expressly reserved this right.

*Congress* may call them forth to suppress insurrection; and so may the *State*, for the power is impliedly reserved of governing all the militia except the part in actual service of the Confederacy.

I confess myself at a loss to perceive in what matter these careful and well-defined provisions of the Constitution regulating the organization and government of the militia, can be understood as applying in the remotest degree to the armies of the Confederacy; nor can I conceive how the grant of *exclusive* power to declare and carry on war by armies raised and supported by the Confederacy, is to be restricted or diminished by the clauses which grant a *divided* power over the militia. On the

contrary, the delegation of authority over the militia, so far as granted, it appears to me to be plainly an *additional enumerated* power, intended to strengthen the hands of the Confederate Government in the discharge of its paramount duty, the common defense of the States.

You state, after quoting the 12th, 15th and 16th grants of power to Congress, that, "These grants of power all relate to the same subject matter, and are all contained in the same section of the Constitution, and by a well known rule of construction, must be taken as a whole, and construed together."

This argument appears to me unsound.—*All* the powers of Congress are enumerated in one section; and the three paragraphs quoted can no more control each other by reason of their location in the same section, than they can control any of the other paragraphs preceding, intervening, or succeeding. So far as the subject matter is concerned, I have already endeavored to show that the armies mentioned in the 12th paragraph are a subject matter as distinct from the militia mentioned in the 15th and 16th, as they are from the navy mentioned in the 13th. Nothing can so mislead as to construe together and as a whole, the carefully separated clauses which define the different powers to be exercised over distinct subjects by the Congress. But, you add, that, "by the grant of power to Congress to raise and support armies, without qualification, the framers of the Constitution intended the regular armies of the Confederacy, and not armies composed of the whole militia of all the States."

I must confess myself somewhat at a loss to understand this position. If I am right, that the militia is a *body* of enrolled State soldiers, it is not possible, in the

nature of things, that armies raised by the Confederacy can "be composed of the whole militia of all the States." The militia may be called forth, in whole or in part, into the Confederate service, but does not thereby become part of the "armies raised" by Congress. They remain militia, and go home when the emergency which provoked their call has ceased. Armies raised by Congress are of course raised out of the *same population* as the militia organized by the States; and to deny to Congress the power to draft a citizen into the army, or to receive his voluntary offer of services because he is a member of the State militia, is to deny the power to raise an army at all; for, practically, all men fit for service in the army may be embraced in the militia organizations of the several States. You seem, however, to suggest, rather than directly to assert, that the Conscrip't law may be unconstitutional, because it comprehends all arms-bearing men between 18 and 35 years; at least this is an inference which I draw from your expression, "armies composed of the *whole* militia of *all* the States." But it is obvious, that if Congress have power to draft into the armies raised by it any citizens at all (without regard to the fact whether they are or not members of militia organizations), the power must be co-extensive with the exigencies of the occasion, or it becomes illusory; and the extent of the exigency must be determined by Congress; for the Constitution has left the power without any other check or restriction than the Executive veto. Under ordinary circumstances, the power thus delegated to Congress is scarcely felt by the States. At the present moment, when our very existence is threatened, by armies vastly superior in numbers to ours, the necessity for defense has induced a call, not "for the whole militia of all the States," not for *any*

militia, but for *men* to compose *armies* for the Confederate States.

Surely, there is no mystery on this subject. During our whole past history, as well as during our recent one year's experience as a new Confederacy, the militia "have been called forth to repel invasion" in numerous instances; and they never came otherwise than as bodies organized by the States, with their company, field, and *general officers*; and when the emergency had passed, they went home again.

I cannot perceive how any one can interpret the Conscription Law as taking away from the States the power to appoint officers to their militia. You observe on this point in your letter, that unless your construction is adopted, "the very object of the States in reserving the power of appointing the officers, is defeated, and that portion of the Constitution is not only a nullity, but the whole military power of the States, and the entire control of the militia, with the appointment of the officers, is vested in the Confederate Government, whenever it chooses to call its own action 'raising an army,' and not calling forth the militia."

I can only say, in reply to this, that the power of Congress depends on the real nature of the act it proposes to perform, not on the name given to it; and I have endeavored to show that its action is merely that of "raising an army," and bears no semblance to "calling forth the militia." I think I may safely venture the assertion, that there is not one man out of a thousand of those who will do service under the Conscription Act that would describe himself, while in the Confederate service, as being a militia man; and if I am right in this assumption,

the popular understanding concurs entirely with my own deductions from the Constitution as to the meaning of the word "militia."

My answer has grown to such a length that I must confine myself to one more quotation from your letter. You proceed: "Congress shall have power to *raise armies*. How shall it be done? The answer is clear. In conformity to the provisions of the Constitution, which expressly provides that when the militia of the States are called forth to *repel invasion*, and employed in the service of the Confederate States, which is now the case, the State shall appoint the officers."

I beg you to observe that the answer which you say is clear, is not an answer to the question put. The question is: How are armies to be raised? The answer given is, that when militia are called forth to repel invasion, the State shall appoint the officers.

There seems to me to be a conclusive test on this whole subject. By our Constitution Congress may declare war, *offensive* as well as *defensive*. It may acquire territory.—Now, suppose that for good cause, and to right unprovoked injuries, Congress should declare war against Mexico, and invade Sonora. The militia could not be called forth in such a case, the right to call it being limited to "repel invasions." Is it not plain that the law now under discussion if passed under such circumstances, could, by no possibility, be aught else than a law to "raise an army?" Can one and the same law be construed into a "calling forth the militia," if the war be defensive, and a "raising of armies," if the war be offensive?

At some future day, after our independence shall have been established, it is no improbable supposition that our present enemy may be tempted to abuse his naval power, by depredation on our commerce, and that we may be compelled to assert our rights by offensive war. How is it to be carried on? Of what is the army to be composed? If this Government cannot call on its arms-bearing population otherwise than as militia, and if the militia can only be called forth to repel invasion, we should be utterly helpless to vindicate our honor or protect our rights. War has been well styled "the terrible litigation of nations." Have we so formed our Government, that in this litigation we must never be plaintiff? Surely this cannot have been the intention of the framers of our compact.

In no aspect in which I can view this law, can I find just reason to distrust the propriety of my action in approving and signing it; and the question presented involves consequences, both immediate and remote, too momentous to permit me to leave your objections unanswered.

In conclusion, I take great pleasure in recognizing that the history of the past year affords the amplest justification for your assertion, that if the question had been, whether the Conscription Law was necessary in order to raise men in Georgia, the answer must have been in the negative. Your noble State has promptly responded to every call that it has been my duty to make on her; and to you, personally, as her Executive, I acknowledge my indebtedness for the prompt, cordial, and effective co-

operation you have afforded me in the effort to defend our common country against the common enemy.

I am, very respectfully, your obedient servant,

JEFFERSON DAVIS.

His Excellency JOS. E. BROWN,

*Governor of Georgia, Milledgeville.*

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HEADQUARTERS DEPARTMENT OF

EAST TENNESSEE.

KNOXVILLE, TENN., June 6, 1862.

Gov. JOSEPH E. BROWN,

Milledgeville, Ga.

Chattanooga is threatened by so superior a force that its evacuation seems almost inevitable. General Leadbetter is ordered, if he cannot hold the place, to retreat in this direction.

E. KIRBY SMITH,

*Major-General, Commanding.*

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CANTON, GA., June 9, 1862.

HON. G. W. RANDOLPH,

*Secretary of War.*

DEAR SIR: The scarcity of salt and the difficulty in



securing a supply is causing much uneasiness among the people of this State. Under these circumstances I have determined to do all in my power to secure a supply for our people, and thus prevent much suffering and distress. Through the agency of Hon. John W. Lewis, one of the Senators from this State in Congress, I have been able to secure the privilege of using a supply of water at the salt works in your State. I have also made preparation to engage actively in making salt in a few days. Senator Lewis, who is a gentleman of very superior practical sense and of great energy of character, has consented to take charge of the State's works at Saltville, and to devote much of his time to the business as a public benefit without compensation. He has a son, Baylis John Lewis, who is a young man of fine business habits, and would be of great value to him in the prosecution of the work. Baylis John Lewis is between the ages which subject him to conscription, but he is not a conscript, as he volunteered, and is now in service as a private in the company commanded by Capt. John P. Daniel, in Col. J. A. W. Johnson's regiment, now in camp at Camp McDonald, seven miles from Marietta. It is my wish and that of the Senator that his son be detailed to assist him in the manufacture of salt, while he himself is engaged in the business for the State. He does not wish him discharged from the service, but only detailed for the time and purpose above mentioned, after which he will return to his company and regiment in the service.

While thus detailed Baylis would receive no compensation from the Confederacy, but would expect his pay to stop till his return to his company. I would esteem it a special favor to me and the State if you could grant

this request. My family are here for the summer, and I am detained for a time on account of family affliction. Please direct your reply to me at this place, inclosing the necessary order, if the request of Senator Lewis and myself should receive your favorable consideration.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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ATLANTA, June 17, 1862.

HON. G. W. RANDOLPH,

*Secretary of War.*

Your enrolling officers have enrolled several of the State officers of the militia, who will not be permitted to be carried away from their commands. You stated in your letter of the 20th [ultimo] that no State officer is liable to enrollment, and asked me to call your attention to it if done. Please send me by telegraph an order for release of all such who have been enrolled, and direct Major Dunwody to stop the enrollment of State officers, or I shall order the arrest of each officer who arrests a State officer. I wish an immediate reply.

JOS. E. BROWN.

(Repeated June 19 from Marietta, Ga.)

RICHMOND, June 17, 1862.

HIS EXCELLENCY GOVERNOR BROWN,  
Atlanta.

Members of the companies who were in the State service on the 16th of April will not be interfered with. I have no authority to exempt from enrollment persons between eighteen and thirty-five years of age who were not in the State service on that day, unless they are executive or judicial officers.

G. W. RANDOLPH,  
*Secretary of War.*

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RICHMOND, June 18, 1862.

HIS EXCELLENCY GOVERNOR BROWN,  
Atlanta, Ga.

Major Dunwody has been directed not to enroll militia officers recognized by State authorities as in commission. Request him to show you his instructions. If you attempt to get men to fill up the Georgia regiments now, in the face of the enemy, you will cause great mischief. I think we might as well drive out our common enemy before we make war on each other.

G. W. RANDOLPH,  
*Secretary of War.*

RICHMOND, June 20, 1862.

His Excellency GOVERNOR BROWN,

Marietta, Ga.

I telegraphed, in reply to your first telegram, that I had ordered Major Dunwody not to enroll any militia officer recognized as in commission by the State authorities; that you might see his instructions if you wished; that you would cause great mischief by arresting men engaged in filling the ranks of Georgia regiments in the face of the enemy, and that we had better get rid of our common enemy before we commence a war upon each other.

G. W. RANDOLPH,

*Secretary of War.*

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KNOXVILLE, TENN., June 20, 1862.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia.*

SIR: The following regiments and battalions of troops from your State are now under my command in this department, viz.: Thirty-ninth Georgia Regiment (Colonel McConnell) Infantry; Forty-second Georgia Regiment (Colonel Henderson) Infantry; Fifty-second Georgia Regiment (Colonel Boyd) Infantry; Third Georgia Battalion (Lieutenant-Colonel Stovall) Infantry; Fortieth Georgia Regiment (Col. A. Johnson) Infantry; Forty-third Georgia Regiment (Colonel Harris) Infan-

try; 36th Georgia Regiment (Colonel Glenn) Infantry; Ninth Battalion (Major Smith) Infantry; First Regiment (Colonel Morrison) Cavalry. The regiments have now been reduced, chiefly by sickness, to an average effective strength of about 400 men. Can you not take measures for adding to them from conscripts and by calling upon all absentees who are now able for duty to rejoin their regiments, so that the muskets be kept constantly in use?

Respectfully, your obedient servant,

E. KIRBY SMITH,

*Major-General, Commanding.*

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ATLANTA, June 21, 1862.

HIS EXCELLENCY JEFFERSON DAVIS, President, Etc.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 29th ult., in reply to mine of the 8th of the same month, which reached my office, at Milledgeville, on the 8th inst., together with a copy of the written opinion of the Attorney-General, and has since been forwarded to me at Canton, where I was detained by family affliction.

Your reply, prepared after mature deliberation and consultation with a Cabinet of distinguished ability, who concur in your view of the constitutionality of the Conscription Act, doubtless presents the very strongest argument in defense of the Act, of which the case is susceptible.

Entertaining, as I do, the highest regard for your

opinion and those of each individual member of your Cabinet, it is with great diffidence that I express the conviction, which I still entertain, after a careful perusal of your letter, that your argument fails to sustain the constitutionality of the Act; and that the conclusion at which you have arrived is maintained by neither the contemporaneous construction put upon the Constitution by those who made it, nor by the practice of the United States Government, under it, during the earlier and better days of the Republic, nor by the language of the instrument itself, taking the whole context, and applying to it the well established rules by which all constitutions and laws are to be construed.

Looking to the magnitude of the rights involved, and the disastrous consequences which, I fear, must follow what I consider a bold and dangerous usurpation by Congress of the reserved rights of the States, and a rapid stride towards military despotism, I very much regret that I have not, in the preparation of this reply, the advice and assistance of a number equal to your Cabinet, of the many "eminent citizens" who, you admit, entertain with me, the opinion that the Conscription Act is a palpable violation of the Constitution of the Confederacy. Without this assistance, however, I must proceed individually to express to you some views, in addition to those contained in my former letters, and to reply to such points made by you in the argument, as seem to my mind to have the most plausibility in sustaining your conclusion.

The sovereignty and independence of each one of the thirteen States at the time of the adoption of the Constitution of the United States, will not, I presume, be

denied by any, nor will it be denied that each of these States acted in its separate capacity, as an independent sovereign, in the adoption of the Constitution. The Constitution is, therefore, a league between sovereigns. In order to place upon it a just construction, we must apply to it the rules, which, by common consent, govern in the construction of all written constitutions and laws. One of the first of these rules is, to inquire what was the intention of those who made the Constitution.

To enable us to learn this intention, it is important to inquire what they did, and what they said they meant, when they were making it. In other words, to inquire for the contemporaneous construction put upon the instrument by those who made it, and the explanation of its meaning by those who proposed each part in the Convention, which induced the Convention to adopt each part.

I incorporated into my last letter a number of quotations from the debates of prominent members of the Convention upon the very point in question, showing that it was not the intention of the Convention to give to Congress the unlimited control of all the men able to bear arms in the States, but that it was their intention to reserve to the States the control over those who composed their militia, by retaining to the States the appointment of the officers to command them, even while "employed in the service of the Confederate States." I might add many other quotations containing strong proofs of this position, from the debates of the Federal Convention, and the action of the State Conventions which adopted the Constitution; but I deem it unnecessary, as you made no illusion to the contemporaneous construction in your reply, and I presume you do not insist that the explana-

tion of its meaning given by those who made it sustain your conclusion.

I feel that I am fully justified by the debates and the action of the Federal and State Conventions, in saying that it was the intention of the thirteen sovereigns, to constitute a common agent with certain specific and limited powers, to be exercised for the good of all the principals, but that it was not the intention to give the agent the power to *destroy the principals*. The agent was expected to be rather the servant of several masters, than the master of several servants. I apprehend it was never imagined that the time would come when the agent of the sovereigns would claim the power to take from each sovereign every man belonging to each, able to bear arms, and leave them with no power to execute their own laws, suppress insurrections in their midst, or repel invasions.

In reference to the practice of the United States Government under the Constitution, I need only remark, that I do not presume it will be contended that Congress claimed or exercised the right to compel persons constituting the militia of the States, by *conscription or compulsion*, to enter the service of the General Government, without the consent of their State Government, at any time while the Government was administered, or its councils controlled, by any of the fathers of the Republic who aided in the formation of the Constitution.

If, then, the constitutionality of the Conscription Act cannot be established by the contemporaneous construction of the Constitution, nor by the earlier practice of the Government while administered by those who made the Constitution, the remaining inquiry is, can it be estab-



lished by the language of the instrument itself, taking the whole context, and applying to it the usual rules of construction, which were generally received and admitted to be authoritative at the time it was made.

The Constitution, in express language, gives Congress the power to "raise and support armies." You rest the case here, and say you know of but two modes of "raising armies," to-wit: "by voluntary enlistment, and by draft or conscription," and you conclude that the Constitution authorizes Congress to raise them by either or both these modes.

To enable us to arrive at an intelligent conclusion as to the meaning intended to be conveyed by those who used this language, it is necessary to inquire what signification was attached to the terms used, at the time they were used; and it is fair to infer that those who used them intended to convey to the minds of others the idea which was at that time usually conveyed by the language adopted by them. Apply this rule, and what did the Convention mean by the term "to raise armies?" I prefer that the Attorney-General should answer. He says in his written opinion:

"Inasmuch as the words 'militia,' 'armies,' 'regular troops,' and 'volunteers,' had acquired a definite meaning in Great Britain before the Revolutionary war, and as we have derived most of our ideas on this subject from that source, we may safely conclude that the term 'militia,' in our Constitution, was used in the sense attached to it in that country."

Upon this statement of the Attorney-General rests his definition of the term "militia," which is an English

definition; and upon that definition rests all that part of your argument, which draws a distinction, however unsubstantial, between *calling forth* the militia by authority of Congress, and calling forth all men in the State who compose the militia by the same authority. In the one case, you term it *calling forth the militia*, and admit that the State has the right to appoint the officers; in the other case, while every man called forth may be the same, you term it *raising an army*, and deny to the State the appointment of the officers. As this is necessary to sustain the constitutionality of the Conscription Act, you cannot disapprove the statement of the Attorney-General above quoted. If, then, the Attorney-General is right, that the terms "militia," "armies," "regular troops," and "volunteers" had acquired a definite meaning in Great Britain before the Revolutionary war, and we have derived most of our ideas on this subject from this source, and if we may safely conclude that the term "militia" in our Constitution was used in the sense attached to it in that country, is it not equally safe to conclude that the terms "armies," and to "raise armies," having acquired a definite meaning in Great Britain before the Revolutionary war, were used in our Constitution in the same sense attached to them in that country?

At that period, the Government of Great Britain had no Conscription Act, and did not "raise armies" by conscription, therefore the Convention which made our Constitution, "having derived most of their ideas on this subject from that source," it is "safe to conclude" that they used the term to "raise armies in the sense attached to it in that country." It necessarily follows, the Attorney-General being the judge, that your conclusion is

erroneous, and that Congress has no power to "raise armies," not even her "regular armies," *by conscription*.

But, as those who framed the Constitution foresaw that Congress might not be able by voluntary enlistment, to raise regular or standing armies sufficiently large to meet all emergencies, or that the people might refuse to vote supplies to maintain in the field armies so large and dangerous, they wisely provided, in connection with this grant of power another relating to the same subject-matter and gave Congress the additional power to call forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions.

In this connection, I am reminded by your letter, that Congress has power "to declare war," which you say embraces the right to declare offensive as well as defensive war; and you argue, as I understand, that the militia can only be called forth to repel invasions, and not to invade a foreign power, and that Congress would be powerless to redress our wrongs, or vindicate our honor, if it could not "raise armies" by conscription, to invade foreign powers. If this were even so, it might be an objection to the Constitutional Government, for want of sufficient strength, which is an objection often made by those who favor more absolute power in the General Government, and who attempt, by a latitudinarian construction of the Constitution, to supply powers which were never intended to be given to it. But does the practical difficulty which you suggest, in fact exist? I maintain that it does not. And I may here remark, that those who established the Government of our fathers, did not look to it, as a great military power whose people

were to live by plundering other nations in foreign aggressive war, but a peaceful Government, advised by the Father of his Country, to avoid "entangling alliances" with foreign powers.

But you suppose, after our independence is established, that our present enemy may be tempted to abuse his naval power, by depredation on our commerce, and that we may be compelled to assert our rights by offensive war, and you ask, "How is it to be carried on?" "Of what is the army to be composed?" The answer is a very simple one. If the aggression is such as to justify us in the declaration of offensive war, our people will have the intelligence to know it, and the patriotism and valor to prompt them to respond by voluntary enlistment, and to offer themselves under officers of their own choice, through their State authorities, to the Confederacy, just as they did in the offensive war against Mexico, when many more were offered than were needed, without conscription or coercion; and just as they have done in our present defensive war, when almost every State has responded to every call, by sending larger numbers than were called for, and larger than the Government can arm and make effective. There is no danger that the honor of the intelligent freeborn citizens of this Confederacy will ever suffer because the Government has not the power to *compel* them to vindicate it. They will hold the Government responsible if it refuses to *permit* them to do it. To doubt this, would seem to be, to doubt the intelligence and patriotism of the people, and their competency for self-government.

It would be very dangerous, indeed, to give the General Government the power to engage in an offensive for-

eign war the justice of which was condemned by the Governments of the States, and the intelligence of the people, and to compel them to prosecute it for two years, the terms for which appropriations can be made and continued by the Congress declaring it. Hence the wisdom of our ancestors in limiting the power of Congress over the militia, or great body of our people, so as to prohibit the prosecution, by *conscription or coercion*, of an offensive foreign war, which may be condemned by an intelligent public opinion.

France has a conscription act, which Great Britain has not. Both are warlike powers, often engaged in foreign offensive wars. What advantage has the conscription law given to France over Great Britain? Has not the latter been as able as the former to "raise armies" sufficient to vindicate her honor and maintain her rights? When France had no conscription law at one period of her history, she was a Republic. Soon after she had a conscription law, she became an Empire, and her ruler an Emperor, leaving her people without the constitutional safeguard which protects the people of Great Britain.

But you ask, "Shall we never be plaintiff in this 'terrible litigation of nations?'" If the litigation commends itself to the intelligence of the people as just, they will not hesitate to put themselves at the command of the Government to assume the plaintiff's position. The eagerness with which the people of the Confederacy now desire that we assume the plaintiff's position, and become the attacking and invading party, instead of acting constantly upon the defensive, is evidence to sustain my conclusion on this point.

That those who framed the Constitution looked to a state of war as tending to concentrate the power in the Executive, and as unfavorable to constitutional liberty, and did not intend to encourage it, unless in cases of absolute necessity, and did not, therefore, form the Government with a view to its becoming a power often engaged in offensive war, may be inferred from the language of Mr. Madison. He says:

“War, is, in fact, the true nurse of Executive aggrandizement. In war a physical force is to be created, and it is the Executive will which is to direct it. In war the public treasures are to be unlocked, and it is the Executive hand which is to dispense them. In war, the honors and emoluments of office are to be multiplied, and it is the Executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered, and it is the Executive brow they are to encircle. The strongest passions and most dangerous weaknesses of the human breast—ambition, avarice, vanity, the honorable or venial love or fame, are all in conspiracy against the desire and duty of peace.” See *Federalist*, page 452.

In connection with this remark of Mr. Madison, it may not be amiss to add one from Mr. Calhoun. That great and good man, who may justly be styled the champion of *State Rights and Constitutional Liberty*, in the first volume of his works, page 361, while speaking of the war which was forced upon Mr. Madison while President, by Great Britain, says:

“It did more for the war, however just and necessary, gave a strong impulse adverse to the Federal and favorable to the national line of policy. This is, indeed,

one of the unavoidable consequences of war, and can be counteracted only by bringing into full action the *negatives* necessary to the protection of the *reserved powers*. These would, of themselves, have the effect of preventing wars, so long as they could be honorably and safely avoided; and when necessary, of arresting, to a great extent, *the tendency of the Government to transcend the limits of the Constitution during its prosecution*, and of correcting all departures after its termination. It was by force of the tribunitial power that the plebians retained for so long a period their liberty in the midst of so many wars."

I beg to call special attention to the portions of the above quotation which I have *italicized*.

Having rested the constitutionality of the Conscription Act upon the power given to Congress to "raise armies," you enunciate a doctrine which I must be pardoned for saying, struck me with surprise; not that the doctrine was new, for it was first proclaimed, I believe, almost as strongly, by Mr. Hamilton in the *Federalist*, but because it found an advocate in you, whom I had for many years regarded as one of the ablest and boldest defenders of the doctrines of the State Rights school, in the old government. Your language is:

"I hold that when a specific power is granted by the Constitution, like that now in question, to 'raise armies,' Congress is the judge whether the law passed for the purpose of executing that power, is necessary and proper."

Again you say:

"The true and only test is, to inquire whether the law

is intended and calculated to carry out the object, whether it devises and creates an instrumentality for executing the specific power granted, and if the answer be in the affirmative the law is constitutional."

From this you argue that the Conscription Act is calculated and intended to "raise armies," and, therefore, constitutional.

I am not aware that the proposition was ever stated more broadly in favor of unrestrained Congressional power, by Webster, Story, or any other statesman or jurist of the Federal school.

This is certainly not the doctrine of the republican party of 1798, as set forth in the Virginia and Kentucky Resolutions. The Virginia Resolutions use the following language, that, "It (the General Assembly of Virginia) views the powers of the Federal Government as resulting from the compacts to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in the case of a *deliberate, palpable and dangerous exercise of other powers* not granted by said compact, *the States* who are parties thereto, *have the right*, and are in *duty bound to interpose for arresting the progress of the evil*, and for *maintaining* within their respective limits the *authorities, rights and liberties appertaining to them*. That the General Assembly doth also express its deep regret, that a spirit has in sundry instances been manifested by the Federal Government, *to enlarge its powers by a forced construction of the Constitutional charter which defines them*; and that indications have appeared of a design to expound certain



*general phrases*—(which having been copied from the very limited grant of powers in the former articles of Confederation were the less liable to be misconstrued)—so as to destroy the meaning and effect of the particular enumeration, which *necessarily explains and limits the general phrases so as to consolidate the States by degrees into one sovereignty*, the obvious tendency and inevitable result of which would be to transform the present Republican system of the United States, *into an absolute, or at least a mixed monarchy.*”

The following quotations are from the Kentucky Resolutions drawn up by Mr. Jefferson himself (the italics, as in the last quotation, are my own). “That the several States composing the United States of America are not united on the principle of *unlimited submission* to the General Government; but that, by a compact under the style and title of a Constitution of the United States, and of amendments thereto, they constituted a General Government for special purposes—delegated to that Government certain definite powers; *reserving each State to itself, the residuary mass of right to their own self-Government*; that whensoever the General Government *assumes undelegated powers its acts are unauthorized, void and of no force*; that to this compact each State acceded as a State, and is an integral party—its co-States forming as to itself the other party; *that the Government created by this compact was not made the exclusive or final JUDGE of the extent of the powers delegated to it—since that would have made ITS DISCRETION and not the Constitution the measure of its powers*; but that, as in all other cases of compact among parties having *no common JUDGE*, each has an equal

right to JUDGE *for itself a swell of infractions as of the mode and measure of redress.*"

And again:

*"That the construction applied by the General Government (as evinced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defense and general welfare of the United States; and to make all laws necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution. That words meant by that instrument to be subsidiary only to the execution of the limited powers ought not to be so construed, as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument."*

But let us examine your doctrine a little further and see whether it can be reconciled to the construction lately put upon the Constitution by the States composing the Confederacy, over which you preside, and the action lately taken by them.

The Constitution of the United States gives Congress the power to provide for calling forth the militia to "suppress insurrection." Carry out your doctrine, and Congress must of course be *the Judge* of what constitutes an insurrection, as well as of the means "*necessary and proper*" to be used in executing the specific power given to Congress to suppress it. Georgia, claiming that the

Congress of the United States had abused the specific powers granted to it, had passed laws which were not "*necessary and proper*" in executing these specific powers, which were injurious to her people, and claiming to be herself the *Judge*, seceded from the Union. Congress denied her power or right to do so, and acting upon the doctrine laid down by you, Congress, claiming to be *the Judge*, proceeded to adjudicate the case, and determined that the action of Georgia amounted to an insurrection, and passed laws for its suppression. Among others, they have passed a law, if we may credit the newspapers, which authorizes the President to arm our negroes against us. Congress will, no doubt, justify this act, under the specific power given to it by the Constitution, to "raise armies," as the armies, as well as the militia, may be used to suppress insurrection, and to execute the laws. Apply the test laid down by you, and inquire, is this law "calculate and intended" to carry out the object (the suppression of the insurrection, and the execution of the laws of the United States in Georgia)? and does it "devise and create an instrumentality for executing the specific power granted?" Congress, *the Judge*, answers the question in the affirmative. Therefore the law is constitutional.

Again, suppose you are right, and Congress has the constitutional power to "raise armies" by Conscription, and without the consent of the States, to compel every man in the Confederacy, between 18 and 35 years old, able to bear arms, to enter these armies, you must admit that Congress has the same power to extend the law, and compel every man between 16 and 60 to enter. And, you must admit that the grant of power is as broad in

times of peace as in times of war, as there is in the grant no language to limit it to times of war. It follows that Congress has the absolute control of every man in the State, whenever it chooses to execute to the full extent the power given it by the Constitution to "raise armies." How easy a matter it would have been, therefore, had the Congress of the United States understood the full extent of its powers to have prevented in a manner perfectly constitutional, the secession of Georgia and Mississippi from the Union. It was only necessary to pass a *Conscription Law* declaring every man in both States, able to bear arms, to be in the military service of the United States, and that each should be treated as a deserter if he refused to serve; and that Congress, *the Judge*, then decide that this law was "necessary and proper," and that it created an instrumentality for the execution of one of the specific powers granted to Congress to provide for the execution of the laws of the Union in the two States, or to provide for "raising armies." This would have left the States without a single man at their command, without the power to organize or use military force, and without free men to constitute even a Convention to pass an ordinance of secession.

If it is said, the people of the States would have refused to obey this law of Congress, and would have gone out in defiance of it; it may be replied that this would have been revolution and not peaceful secession, the right for which we have all contended—though our enemies have not permitted us to part with them in peace—the right for which we are now fighting.

Your doctrine carried out not only makes Congress

supreme over the States, at any time when it chooses to exercise the full measure of its power to "raise armies," but it places the very existence of the State Governments subject to the will of Congress. The Conscription Act makes no exception in favor of the officers necessary to the existence of the State Government, but in substance declares that they shall all enter the service of the Confederacy, at the call of the President, under officers which are in future to be appointed by the President.

As already remarked, Congress has as much power to extend the Act to embrace all between 16 and 60, as it had to take all between 18 and 35. If the Act is Constitutional, it follows that Congress has the power to compel the Governor of every State in the Confederacy, every member of every Legislature of every State, every Judge of every Court in every State, every officer of the Militia in every State, and all other State officers to enter the military service as privates in the armies of the Confederacy, under officers appointed by the President, at any time when it so decides. In other words, Congress may disband the State Governments any day when it, *as the judge*, decides that by so doing it "creates an instrumentality for executing the specific power" "to raise armies."

If Congress has the right to discriminate, and take only those between 18 and 35, it has the right to make any other discrimination it may judge "necessary and proper" in the "execution of the power," and it may pass a law in time of peace or war, if it should conclude the State Governments are an evil, that all State officers, Executive, Legislative, Judicial and Military, shall enter the armies of the Confederacy as privates under officers

appointed by the President, and that the army shall, from time to time, be recruited from other State officers as they may be appointed by the States.

To state the case in different form, Congress has the power under the 12th paragraph of the 8th section of the 1st Article of the Constitution to disband the State Governments, and leave the people of the States with no other Government than such military despotism, as Congress in the exercise of the specific power to "raise armies" (which I understand you to hold is a distinct power to be construed separately) may, after an application of your test, *judge* to be best for the people.

For, as all the State officers which I mention might make effective privates in the armies of the Confederacy, and as the law passed to compel them to enter the service might "create an instrumentality" for executing the specific power to "raise armies," Congress, *the judge*, need only so decide and the act would be constitutional.

I may be reminded, however, that Congress passed an *Exemption* Act after the passage of the Conscription Act, which exempts the Governors of the States, the members of the State Legislatures, the Judges of the State Courts, etc., from the obligation to enter the military service of the Confederacy as privates under Confederate officers. It must be borne in mind, however, that this very act of exemption by Congress is an assertion of the right vested in Congress to compel them to go, when Congress shall so direct, as Congress has the same power to repeal which it had to pass the Exemption Act. All the State officers, therefore, are exempt from Conscription by the *grace and special favor of Congress* and not by *right*, as the Governments of the independent States

whose agent, and not master, Congress has been erroneously supposed to be. If this doctrine be correct, of what value are *State rights* and *State sovereignty*?

In my former letter I insisted, under the general rule, that the 12th, 15th and 16th paragraphs of the section under consideration, all relating to the same *subject matter*, should be construed together. While your language on this point is not so clear as in other parts of your letter, I understand you to take issue with me here. You say:

“Nothing can so mislead as to construe together and as one whole, the carefully separated clauses, which define the different powers to be exercised over distinct subjects by Congress.”

These are not carefully separated clauses which relate to different powers, to be exercised over *distinct subjects*. They all relate to the *same subject matter*, the authority given to Congress over the question of war and peace. They all relate to the use of armed force by authority of Congress. If, therefore, Coke, Blackstone and Mansfield, of England, and Marshall, Kent and Story, of this country, with all other intelligent writers on the rules of construction, are to be respected as authority, there can, it would seem, be no doubt of the correctness of the position that these three paragraphs, together with all others in the Constitution which relate to the same subject matter, are to be construed together “as one whole.”

Construe them together, and the general language in one paragraph, is so qualified by another paragraph, upon the *same subject matter*, that all can stand together,

and the whole when taken together, establishes to my mind the unsoundness of your argument and the fallacy of your conclusion.

But I must not omit to notice your definition of the term "militia," and the deductions which you draw from it.

You adopt the definition of the Attorney-General, that "the militia are a body of soldiers in a State enrolled for discipline." Admit, for the purpose of the argument, the correctness of the definition. All persons, therefore, who are enrolled for discipline under the laws of Georgia constitute her militia. When the persons thus enrolled (the militia) are employed in the service of the Confederate States, the Constitution expressly reserves to Georgia the appointment of the officers. The Conscription Act gives the President the power by compulsion to employ every one of those persons, between 18 and 35, in the service of the Confederate States; and denies to the State the appointment of a single officer to command them, while thus "employed." Suppose Congress at its next session should extend the act so as to embrace all between 18 and 45, what is the result? "The body of soldiers in the State enrolled for discipline" are every man "employed in the service of the Confederacy," and the right is denied to the State to appoint a single officer, when the Constitution says she shall appoint them all. Is it fair to conclude, when the State expressly and carefully reserved the control of their own militia, by reserving the appointment of the officers to command them, that they intended under the general grant of power to "raise armies," to authorize Congress to defeat the reservation and control the militia, with



their officers, by calling the very same men into the field, *individually* and not *collectively*, organizing them according to its own will, and terming its action "raising an army" and *not calling forth the militia*? Surely the great men of the revolution when they denied to the General Government the appointment even of the *General Officers*, to command the militia when employed in the service of the confederacy, did not imagine that the time would come so soon when that Government, under the power to "raise armies," would claim and exercise the authority to call into the field the whole militia of the States, individually, and deny to the States the appointment of the lowest lieutenant, and justify the act on the ground that Congress did not choose to call them into service in their collective capacity, and deny that they were militia if called into service in any other way.

If Congress has the power to call forth the whole enrolled force or militia of the States in the manner provided by the Conscription Act, there is certainly no *obligation* upon Congress ever to *call them forth* in any other manner, and it rests in the *discretion* of Congress whether or not the State shall ever be permitted to exercise their reserved right; as Congress has the power in every case to defeat the exercise of the right by calling forth the militia under a conscription act, and not by requisitions made upon the States. It cannot be just to charge the States with the folly of making this important reservation, subject to any such power in Congress to render it nugatory at its pleasure.

Again, you say, "Congress may call forth the militia to execute *Confederate* laws; the *State* has not surrendered the power to call them forth to execute State laws."

“*Congress* may call them forth to repel invasion; so may the *State*, for it has expressly reserved this right.”

“*Congress* may call them forth to suppress insurrection, and so may the *State*.”

If the conscription law is to control, and Congress may, without the consent of the State Government, order every man composing the militia of the State, out of the State, into the Confederate service, how is the State to call forth her own militia, as you admit she has reserved the right to do, to execute her own laws, suppress an insurrection in her midst, or repeal an invasion of her own territory?

Could it have been the intention of the States to delegate to Congress the power to take from them, without their consent, the means of self-preservation, by depriving them of all the strength upon which their very existence depends?

After laying down the position that the citizens of a State are not her militia, and affirming that the militia are “a body organized by law,” you deny that the militia constitute any part of the *land or naval forces*, and say they are distinguished from the *land or naval forces*, and you further say they have always been *called forth* as “bodies organized by the States,” with their officers; that they “do not become part of the *armies raised* by Congress, but remain militia, and that when they had been called forth, and the exigencies which provoked the call had passed, “they went home again.” The militia when *called forth* are taken from the body of the people, to meet an emergency, or to repel invasion. If they go in as “bodies organized by the States,” you hold

that they go in *militia*, remain *militia*, and when the exigency is passed they go home *militia*, but if you *call forth* the same men by the Conscription Act for the same purpose and they remain for the same length of time, and do the same service, they are not *militia* but the *armies* of the Confederacy, part of the *land or naval force*. In connection with this part of the subject you use the following language:

“At the present moment when our very existence is threatened by armies vastly superior in numbers to ours, the necessity for defense has induced a call, not for the whole militia of all the States, not for *any* militia, but for *men* to compose *armies* for the Confederate States.”

In the midst of such pressing danger, why was it that there was no necessity for *any* militia; in other words, no necessity for any “bodies of men organized by the States,” as were many of the most gallant regiments now in the Confederate service, who have won on the battle-field a name in history, and laurels that can never fade?

Were no more such bodies “organized by the States” needed, because the material remaining within the States of which they must be composed was not reliable? The Conscription Act gives you the very same material. Was it because the officers appointed by the States to command the gallant State regiments and other “organized bodies” sent by the States were less brave or less skillful than the officers appointed by the President to command similar “organized bodies?” The officers appointed by the States who now command regiments in the service, will not fear to have impartial history answer this question. Was it because you wished select men for the

*armies* of the Confederacy? The Conscription Act embraces *all*, without distinction, between 18 and 35 able to do military duty and not legally exempt. You do not take the militia. What do you take? You take every man between certain ages, of whom the militia is composed. What is the difference between taking the militia and taking all the men who compose the militia? Simply this: In the one case you take them *with their officers appointed by the States*, as the Constitution requires, and call them by their proper name, "militia," "employed in the service of the Confederate States." In the other case you take them all as individuals—get rid of the State officers—appoint officers of your own choice, and call them the "armies of the Confederacy." And yet these armies, like you say the militia do, will "go home" when the exigency has passed, as it is hoped they are not expected to be permanent like the *regular armies* of the Confederacy; or in other words, like the *land and naval forces* provided for in the Constitution, from which you distinguish the militia. Indeed, the similarity between these "armies of the Confederacy," *called forth* in an emergency, to repel an invasion, to be disbanded when the emergency is passed; and the militia or bodies of troops organized and officered by the States, *called forth* for the same purpose, to be composed of the same material and disbanded at the same time, is most remarkable in everything, except the name and the appointment of the officers.

Excuse me for calling your attention to another point in this connection.

As you admit the militia have always been *called forth* as "bodies organized by the States," and when thus

called forth that the States have always appointed the officers, I presume you will not deny that when the President, by authority of Congress has made a call upon a State for "organized bodies of soldiers," and they have been furnished by the State from the body of her people, they have entered the service as part of the militia of the State "employed in the service of the Confederate States" under the 15th and 16th paragraphs of the 8th Section of the 1st Article of the Constitution.

Your message to Congress recommending its passage shows that there was no necessity for the act, to enable you to get troops, as you admit that the Executives of the States had enabled you to keep in the field *adequate forces*, and also that the spirit of resistance among the people was such that it needed to be regulated and not stimulated. You say:

"I am happy to assure you of the entire harmony of purpose and cordiality of feeling which have continued to exist between myself and the Executives of the several States, and it is to this cause that our success in keeping *adequate forces* in the field is to be attributed." Again you say:

"The vast preparations made by the enemy for combined assault at numerous points on our frontier and sea coast, have produced the result that might have been expected. They have animated the people with a spirit of resistance so general, so absolute and so self-sacrificing, that it requires rather to be regulated than to be stimulated."

If then the Executives of the States by their cordial co-operation had enabled you to keep in the field

“adequate forces,” and the spirit of resistance was as high as you state, there was no need of a Conscription Act to enable you to “raise armies.”

Since the invasion of the Confederacy by our present enemy, you have made frequent calls upon me as Governor of this State for “organized bodies” of troops. I have responded to every call and sent them as required, “organized” according to the laws of the State, and commanded by officers appointed by the State, and in most instances, fully armed, accoutred and equipped. These bodies were *called forth* to meet an emergency, and assist in repelling an invasion. The emergency is not yet passed, the invasion is not yet repelled, and they have not yet returned home. If your position be correct they constitute no part of the *land or naval forces* as they were not *organized* nor their officers appointed by the President, as is the case with the *armies* of the Confederacy, but they were *called forth* as bodies “organized and their officers appointed by the States.” Hence they are part of the militia of Georgia employed in the service of the Confederate States as provided by the two paragraphs of the Constitution above quoted, and by paragraph 16 of Section 9 of the 1st Article which terms them “militia in actual service in time of war or public danger.” They entered the service with only the training common to the citizens of the State. They are now well trained troops. But having gone in as “bodies organized by the State,” or as *militia*, you say they remain militia, and go home militia. In this case we seem to agree that the State, under the express reservation in the Constitution, has the right to appoint the officers. I have the written opinion of Mr. Benjamin, then Secretary of War, about

the time of the last call for twelve regiments, concurring in this view, and recognizing this right of the State. And it is proper that I should remark that the State has, in each case, been permitted to exercise this right, when the troops entered the service in compliance with a requisition upon the State for "organized bodies of troops." The right does not stop here, however. The Constitution does not say the State shall appoint the officers while the organizations may be forming to enter the service of the Confederacy but while they "may be employed in the service of the Confederate States." Many thousands are now *so employed*. Vacancies in the different offices are frequently occurring by death, resignation, etc. The laws of this State provide how these vacancies are to be filled and it is *not* to be done by promotion of the officer next in rank, except in a single instance, but by election of the regiment, and commission by the Governor. The right of the State to appoint these officers seems to be admitted, and is, indeed, too clear to be questioned.

The Conscription Act, if it is to be construed according to its language, and the practice which your Generals are establishing under it, denies to the State the exercise of this right, and prescribes a rule for selecting all officers in future, unknown to the laws of Georgia, and confers upon the President the power to commission them. Can this usurpation (I think no milder term expresses it faithfully) be justified under the clause in the Constitution which gives Congress power to "raise armies?" and is this part of the Act constitutional? If not, you have failed to establish the constitutionality of the Conscription Act.

The 14th paragraph of the 9th Section of the 1st Article of the Constitution of the Confederate States declares that—

“A *well regulated militia* being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.” This was no part of the original Constitution as reported by the Convention and adopted by the States. But “The Convention of a number of the States having at the time of their adopting the Constitution expressed a desire in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, Congress at the session begun and held at the city of New York, on Wednesday, the 4th of March, 1789, proposed to the Legislatures of the several States twelve amendments, ten of which only were adopted.”

The second amendment was the one above quoted, which shows very clearly that the States were jealous of the control which Congress might claim over their militia, and required on this point a further “restrictive clause” than was contained in the original Constitution.

The 16th paragraph of the preceding Section expressly reserves to the States “the authority of *training* the militia according to the discipline prescribed by Congress.” In connection with this, you admit that the States reserved the right to call forth their own militia to execute their own laws, suppress insurrections or repel invasions. This authority to *call them forth* would have been of no value without the authority to *appoint officers to command them*; and the further authority to *train* them; as they cannot without *officers* and *training* be the



*well regulated militia* which the Constitution says is “necessary to the security of a free State.”

The conclusion would seem naturally to follow, that the States did not intend by any general words used in the grant of power, to give Congress the right to take from them, as often as appointed, the officers selected by them to *train* and *regulate* their militia and prepare them for the efficiency, when they may be called forth to support the very existence of the State.

The Conscription Act embraces so large a proportion of the militia officers of this State, as to disband the militia in the event they should be compelled to leave their commands. This would leave me without the power to reorganize them, as a vacancy can only be created in one of these offices by resignation of the incumbent, or by the voluntary performance of some act which amounts to an abandonment of his command, or by a sentence of a Court Martial dismissing him from office. The officer who is dragged from his command by Conscription, or compulsion, and placed in the ranks, is in neither category; and his office is no more vacated than the office of a judge would be, if he were ordered into military service without his consent. And unless there be a vacancy I have no right to fill the place, either by ordering an election, or by a brevet appointment. I have no right in either case to commission a successor so long as there is a legal incumbent.

Viewing the Conscription Act in this particular as not only unconstitutional, but as striking a blow at the very existence of the State, by disbanding the portion of her militia left within her limits, when much the larger part of her “arms-bearing people” are absent in other States

in the military service of the Confederacy, leaving their families and other helpless women and children, subject to massacre by negro insurrection for want of an organized force to suppress it, I felt it an imperative duty which I owed the people of this State, to inform you in a former letter that I could not permit the disorganization to take place, nor the State officers to be compelled to leave their respective commands and enter the Confederate service as Conscripts. Were it not a fact well-known to the country that you now have in service tens of thousands of men without arms and with no immediate prospect of getting arms, who must remain for months consumers of our scanty supplies of provisions, without ability to render service, while their labor would be most valuable in their farms and workshops, there might be the semblance of a plea of necessity for forcing the *State officers* to leave their commands, with the homes of their people unprotected, and go into camps of instruction, under Confederate officers, often much more ignorant than themselves of military science or training. I must, therefore, adhere to my position and maintain the integrity of the State Government in its Executive Legislative Judicial and Military Departments, as long as I can command sufficient force to prevent it from being disbanded, and its people reduced to a state of provincial dependence upon the Central power.

If I have used strong language in any part of this letter, I beg you to attribute it only to my zeal in the advocacy of principles and a cause which I consider no less than the cause of constitutional liberty, imperiled by the erroneous views and practice of those placed upon the watch-tower as its constant guardians.

In conclusion, I beg to assure you that I fully appreciate your expressions of personal kindness, and reciprocate them in my feelings towards you to the fullest extent.

I know the vast responsibilities resting upon you, and would never willingly add unnecessarily to their weight, or in any way embarrass you in the discharge of your important duties.—While I cannot agree with you in opinion upon the grave question under discussion, I beg you to command me at all times when I can do you a personal service, or when I can, without a violation of the constitutional obligations resting upon me, do any service to the great cause in which we are all so vitally interested.

Hoping that a kind Providence may give you wisdom so to conduct the affairs of our young Confederacy as may result in the early achievement of our Independence, and redound to the ultimate prosperity and happiness of our whole people.

I have the honor to be, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

P. S.—Since the above letter was written I see, somewhat to my surprise, that you have thought proper to publish *part* of our unfinished correspondence.

In reply to my first letter you simply stated on the point in question that the constitutionality of the Act was derivable from that paragraph in the *Constitution* which gives Congress the power to raise and support

armies. I replied to that letter with no portion of your argument but the simple statement of your position before me. You then, with the aid of your Cabinet, replied to my second letter, giving the argument by which you attempt to sustain your position, and without allowing time for your letter to reach me, and a reply to be sent, you publish my second letter and your reply, which is your first argument of the question. I find these two letters not only in the newspapers, but also in pamphlet form, I presume by your order for general circulation.

While I cannot suppose that your sense of duty and propriety would permit you to publish part of an unfinished correspondence for the purpose of forestalling public opinion, I must conclude that your course is not the usual one in such cases. As the correspondence was an official one upon a grave constitutional question, I had supposed it would be given to the country through Congress, and the Legislature of the State.

But as you have commenced the publication in this hasty and, as I think informal manner, you will admit that I have no other alternative but to continue it. I must, therefore, request as an act of justice that all newspapers which have published part of the correspondence, insert this reply.

J. E. B.

MARIETTA, June 23, 1862.

HON. G. W. RANDOLPH,

*Secretary of War,*

Richmond, Va.

As Major Dunwody's subordinates in different parts of the State do not seem to regard your orders to him, please direct him to give them the necessary instructions to stop the enrollment of the officers of the militia. I agree with you fully that we should unite all our energies to drive out the common enemy and not make war among ourselves. I am most happy, therefore, that the Confederate Government has decided to respect the constitutional rights of the State so far as not to force her to the alternative of permitting any department of her constitutional government to be disbanded and destroyed, or to defend the existence and integrity of her government by force.

JOSEPH E. BROWN.

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KNOXVILLE, TENN., June 25, 1862.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

SIR: The enemy are collecting, as I have heretofore advised you, a large force for the invasion of East Tennessee. General Morgan with a large command holds the passes of the Cumberland Mountains, and General Buell is reported advancing with a column from Corinth up

the Tennessee Valley to co-operate with General Mitchel. My force is not sufficient to defend this department against these two concerted invasions, and I request that you will place such regiments of infantry as you can command at some point on the Western and Atlantic Railroad convenient to Chattanooga subject to my orders. I have assurance from the War Department that arms will be immediately forwarded to me, which will enable me to bring the troops you may place at my disposal promptly in the field to resist every demonstration that may threaten Chattanooga, the key to Northern Georgia.

Hoping to have your favorable response at an early day, I am, very respectfully, your obedient servant,

E. KIRBY SMITH,

*Major-General, Commanding.*

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RICHMOND, VA., July 10, 1862.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.

DEAR SIR: I have received your letter of the 21st ultimo and would have contented myself with the simple acknowledgement of its receipt but for one or two matters contained in it which seems to require distinct reply. I deemed it my duty to state my views in relation to the constitutionality of the conscription law for the reasons mentioned in my letter to you, but it was no part of my intention to enter into a protracted discussion. It was convenient to send my views to others than yourself, and

for this purpose I caused my letter, together with yours, to be printed in pamphlet form. I am not aware of having omitted any part of your observations, nor did I anticipate any further correspondence on the subject. I supposed you had fully stated your views, as I have stated mine, and no practicable benefit could be attained by further discussion. It is due, however, to myself to disclaim in the most pointed manner a doctrine which you have pleased to attribute to me, and against which you indulge in lengthened argument. Neither in my letter to you, nor in any sentiment ever expressed by me, can there be found just cause to impute to me the belief that Congress is the final judge of the constitutionality of a contested power. I said in my letter that "when a specific power is granted Congress is the judge whether the law, passed for the purpose of executing that power is necessary and proper." I never asserted, nor intended to assert, that after the passage of such laws it might not be declared unconstitutional by the courts, on complaint made by an individual, nor that the judgment of Congress was conclusive against a State, as supposed by you; nor that all the co-ordinate branches of the General Government could together finally decide a question of the reserved rights of a State. The right of each State to judge in the last resort whether its reserved powers had been usurped by the General Government is too familiar and well settled a principle to admit of discussion. As I cannot see, however, after the most respectful consideration of all that you have said, anything to change my conviction that Congress has exercised only a plainly granted, specific power in raising its armies by conscription, I cannot share the alarm and concern about

State Rights which you so evidently feel, but which to me seem quite unfounded.

I am, very respectfully, yours,

JEFF'N DAVIS.

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ATLANTA, GA., July 22, 1862.

His Excellency JEFFERSON DAVIS,

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, and I am very happy to know that you disclaim the doctrine which I think every fair-minded man has attributed to you who has read your letter of the 29th of May last, and has construed plain English words according to their established meaning.

When a writer speaks of a tribunal that is to be "the judge" of a case without qualification, we certainly understand him to mean that this judge has the right to decide the case. And if the judge has this right, the decision must be binding upon all the parties, and no distinct and separate tribunal, as a different department of the Government, for instance, has the right to decide the same case after it has been decided by the judge having competent jurisdiction. It would seem to be a contradiction in terms to say that "when a specific power is granted, Congress is the judge whether the law passed for the purpose of executing that power is necessary and proper," and that "the true and only test is to inquire whether the law is intended and calculated to carry out the object, whether it devises and creates an instrumen-



talities for executing the specific power granted, and if the answer be in the affirmative the law is constitutional," and then to say, after this test has been applied, and Congress has passed judgment, that another department of the Government, as the President, or the judiciary, or another government, as a State, may take up the case thus decided by the tribunal having, under the Constitution, competent jurisdiction, and make a different decision. It is, I believe, an established principle in all civilized nations, that when a court of competent jurisdiction, unless guilty of fraud or mistake, has finally decided a case, the judgment is conclusive upon all parties.

But you say you never asserted, nor intended to assert, that the judgment of Congress was conclusive against a State. Pardon me for saying that you did assert that Congress is the judge, and that you did not qualify the assertion by saying "the judge" in the first instance, nor did you annex any other qualification or exception in favor of the rights of a State or any other party. I had, therefore, no right to suppose that you intended to ingraft exceptions upon a rule which you laid down in the plainest terms, without exception.

I make the above references to your former letter to show that I had no disposition to do you injustice, and that I do not consider that I misrepresented your position as contained in your letter. The thousands of intelligent citizens in different parts of the Confederacy, who have placed upon your letter the same construction which I had, will doubtless be gratified that you now disclaim the dangerous doctrine as to the power of Congress to which your strong, unqualified language seemed clearly to connect you.

In reference to the publication by you of the two letters containing part of our correspondence, I need only say that you have devoted a large portion of your letter to a reply to my argument, which was before you, and had, in the same letter, for the first time, given the arguments by which you maintain your own position. These I had never seen, and, as you had replied at length to my argument, it was, I think, but fair and just, according to all rules of discussion, that I have an opportunity to reply to yours, and that the whole case be submitted to the country together. Unless there were important reasons of state which, in your judgment, made it necessary to place the discussion before the country incomplete, in order to satisfy the discontent which existed in the public mind on account of what a very large proportion of our people regard a dangerous usurpation, or unless other good reasons existed for a departure from the usual rule in such cases, I am unable to see why the whole correspondence, when given to the public, should not have gone through the usual official channels.

I have certainly had no wish to protract the discussion of this question further than duty and justice to the people of this State required. I feel that I cannot close, however, without again earnestly inviting your attention to a question which you must admit is "practical." I think I have established beyond doubt in my former letters the constitutional right of the State of Georgia to appoint the officers to command the regiments and battalions which she has sent into the service of the Confederate States in compliance with requisitions made by you upon her Executive for "organized bodies" of troops. You admitted in your letters that these bodies "organized

by the States," when called forth by the Confederacy to repel invasion, never came otherwise than with their company, field, and general officers. Your former Secretary of War, now Secretary of State, has also admitted the right of the State to appoint the officers to command the troops sent by her into the service of the Confederacy under requisitions from you. You have not thought proper in either of your letters to give any reason why the State should be denied the exercise of this clear constitutional right. In this State of the case you still exercise the appointing powers which belongs to the State, and commission the officers who are to command these troops. The laws of this State give to these gallant men the right to elect their own officers and have them commissioned by the Executive of their own State. This question is of the more practical importance at present on account of a large number of gallant officers belonging to these regiments having lately fallen upon the battlefield, whose places are to be filled by others. The troops volunteered at the call of the State, with a knowledge of their right to elect those who were to command them, and went into the field with the assurance that they would be permitted to exercise this right. It is now denied them under the conscription act. Some of them have appealed to me to see that their rights are protected. As an act of justice to brave men who by their deeds of valor have rendered their names immortal, and as an act of duty which, as her Executive, I owe to the people of this State, I must be pardoned for again demanding for the Georgia State troops now under your command permission, in all cases in which they have been deprived of it or which may hereafter arise, to have the company, field, and general officers who are to command them ap-

pointed by election and commissioned by the Executive of Georgia, as guaranteed to them by the Constitution of the Confederacy and the laws of the State. I make this demand with the greater confidence in view of the past history of your life. I have not the documents before me, but if I mistake not, President Polk during the war against Mexico, in which you were the Colonel of a gallant Mississippi regiment, tendered you the appointment of Brigadier-General for distinguished services upon the battle-field, and you declined the appointment upon the ground that the President had no right under the Constitution to appoint a Brigadier-General to command the State volunteers then employed in the service of the United States, but that the States and not the General Government had the right under the Constitution to make such appointments. If Congress could at that time confer upon the President no right, under the Constitution, to appoint a Brigadier-General to command State troops in the service of the Confederacy, Congress certainly can not now, under the same Constitutional provision, confer upon the President the right to appoint not only the brigadier-generals, but also all the field and company officers of the State troops employed in the service of the Confederacy. May I not reasonably hope that the right for which I contend will be speedily recognized, and that you will give notice to the Georgia State troops, now under your control, who went into service under requisitions made upon the State by you, that they will no longer be denied the "practical benefits" resulting from the recognition.

You conclude your letter by saying you "cannot share the alarm and concern about State rights which I so

evidently feel." I regret that you cannot. The views and opinions of the best of men are, however, influenced more or less by the positions in which they are placed and the circumstances by which they are surrounded. It is probably not unnatural that those who administer the affairs and disburse the patronage of a confederation of States should become to some extent biased in favor of the claims of the Confederacy when its powers are questioned, while it is equally natural that those who administer the affairs of the State and are responsible for the protection of their rights, should be the first to sound the alarm in case of encroachments by the Confederacy which tend to the subversion of the rights of the States. This principle of human nature may be clearly traced in the history of the Government of the United States. While that Government encroached upon the rights of the States from time to time, and was fast concentrating the whole power in its own hands, it is worthy of remark that the Federal Executive, exercising the vast powers and dispensing the immense patronage of his position, has seldom if ever been able to "share in the alarm and concern about State rights," which have on so many occasions been felt by the authorities and people of the respective States.

With renewed assurances of my high consideration and esteem, I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

HEADQUARTERS, Marietta, Ga., July 30, 1862.

HON. G. W. RANDOLPH,

*Secretary of War.*

DEAR SIR: I have to acknowledge the receipt of your confidential circular, and must express my regret that the embarrassments exist to which you refer. While I have in a few instances had reasons to believe that persons with furlough have overstayed their time at home without sufficient cause, I had not supposed that the regiments from this State had been reduced to any considerable extent either by desertion or absence of members without leave. If just cause of complaint in these particulars exist against the Georgia troops I am ready to do all in my power to assist you in correcting the evil. On account of the fact that you desire the existence of the evil kept as much as possible from the knowledge of the enemy, I am somewhat at a loss how I can best accomplish the object you have in view. After a little reflection I have concluded that I cannot better serve you than by issuing a proclamation, of which I enclose a copy herewith.\* I have been the more guarded in the power given to the sheriffs and other State officers on account of the fact that your sub-enrolling officers in some parts of this State have, I think, taken pride in annoying the authorities of the State by evading your instructions (which are no doubt intended in good faith to exempt all State officers) upon a variety of technical pretenses, and in some instances without even a plausible pretext.

Permit me to cite an instance: A few days since the

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\*Not found.

sub-enrolling officers for Baldwin county enrolled an important clerk in the adjutant-general's office without conference with the head of the department and ordered him to camp of instruction, with notice that he should publish his name as a deserter if he failed to go. In a case of this character, as the act of your officers was illegal, I could not of course permit any State officer to assist him in the execution of his threat, if he attempted to treat one of the State's officers not subject to conscription as a deserter. On the contrary it would be my duty to employ the State officers for the protection of the officer unjustly attacked. Hence I have limited the proclamation to the case of deserters who have been in Confederate service beyond the limits of the State or members of a volunteer regiment within the State. If your enrolling officers, in cases of conflict of opinion between them and the State authorities, would stop the execution of their orders on notice from me to them to do so till the question could be referred to you for decision, I should be very careful to raise with them no false issue, and it would save many of our officers and good citizens who have sent substitutes, etc., great expense and trouble in having their rights recognized. I assure you that much dissatisfaction exists in the public mind on account of their course, amounting in some instances, it is thought, to petty tyranny. You may suppose from your knowledge of my views on the conscription act that it would be a gratification to me to see them act amiss. Not so. Did I desire to render the act unpopular in the State I could wish no change of policy on the part of your officers. I trust you will excuse this plain statement of truth, as we all are corresponding confidentially for the public good.

I have been much gratified at your energy and the administrative ability you have shown as the head of the War Department. Fortunately for the country the tide of success has turned in our favor since you have taken control of this most difficult and important Department. It is greatly to be hoped that you may have the means to carry our victorious arms into the enemy's country before the fall season has passed. Our people look with great anxiety to the deliverance of Tennessee and the transfer of the seat of war to Kentucky. It will at all times afford me pleasure to serve you or the cause in any way in my power.

I am, very truly, etc.,

JOSEPH E. BROWN.

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CANTON, GA., Oct. 18, 1862.

His Excellency JEFFERSON DAVIS:

DEAR SIR: The act of Congress passed at its late session extending the Conscription Act, unlike its predecessor, of which it is amendatory, gives you power, in certain contingencies, of the happening of which you must be the judge, to suspend its operation, and accept troops from the States under any of the former acts upon that subject. By former acts you were authorized to accept troops from the States organized into companies, battalions and regiments. The Conscription Act of 16th April last, repealed these acts, but the late act revives them when you suspend it.

For the reasons then given, I entered my protest



against the first conscription act on account of its unconstitutionality, and refused to permit the enrollment of any State officer, civil or military, who was necessary to the integrity of the State government. But on account of the emergencies of the country, growing out of the neglect of the Confederate authorities to call upon the States for a sufficient amount of additional force to supply the places of the twelve months' troops, and on account of the repeal of the formal laws upon that subject having, for the time, placed it out of your power to accept troops organized by the States in the constitutional mode, I interposed no active resistance to the enrollment of persons in this State between 18 and 35, who were not officers necessary to the maintenance of the government of the State.

The first Conscription Act took from the State only part of her military force. She retained her officers and all her militia between 35 and 45. Her military organization was neither disbanded nor destroyed. She had permitted a heavy draft to be made upon it, without Constitutional authority, rather than her fidelity to our cause should be questioned, or the enemy should gain any advantage growing out of what her authorities might consider unwise councils. But she still retained an organization subject to the command of her constituted authorities, which she could use for the protection of her public property, the execution of her laws, the repulsion of invasion, or the suppression of servile insurrection which our insidious foe now proclaims to the world that it is his intention to incite, which if done may result in an indiscriminate massacre of helpless women and children.

At this critical period in our public affairs, when it is

absolutely necessary that each State keep an *organization* for home protection, Congress, with your sanction, has extended the Conscription Act to embrace all between 35 and 45 subject to military duty, giving you the power to suspend the Act as above stated. If you refuse to exercise this power, and are permitted to take all between 35 and 45 as conscripts, you *disband and destroy* all military organization in this State, and leave her people utterly powerless to protect their own families even against their own slaves. Not only so, but you deny to those between 35 and 45 a privilege of electing the officers to command them, to which, under the Constitution of the Confederacy and the laws of this State, they are clearly entitled, which has been allowed to other troops from the State, and was to a limited extent allowed even to those between 18 and 35 under the Act of 16th of April, as that Act did allow them thirty days within which to volunteer under such officers as they might select, who chanced at the time to have commissions from the War Department to raise regiments.

If you deny this rightful privilege to those between 35 and 45, and refuse to accept them as *volunteers* with officers selected by them in accordance with the laws of their State, and attempt to compel them to enter the service as *conscripts*, my opinion is, your orders will only be obeyed by many of them when backed by an armed force which they have no power to resist.

The late act, if I construe it correctly, does not give those between 35 and 45 the privilege under any circumstances of volunteering and forming themselves into regimental organizations, but compels them to enter the present organizations as privates under officers hereto-

fore selected by others, until all the present organizations are filled to their *maximum* number.

This injustice can only be avoided by the exercise of the power given you to suspend the act, and call upon the States for organized companies, battalions and regiments. I think the history of the past justifies me in saying, that the public interest cannot suffer by the adoption of this course. When you made a requisition upon me in the early part of February, last, for twelve regiments I had them all, with a large additional number, in the field subject to your command and ready for service, in about one month. It has now been over six months since the passage of the first conscription act, and your officers during that time have not probably enrolled and carried into service from this State conscripts exceeding one-fourth of the number furnished by me as volunteers in one month, while the expense of getting the conscripts into service has probably been four times as much as it cost to get four times the number of volunteers into the field.

In consideration of these facts, I trust you will not hesitate to exercise the power given you by the act of Congress, and make an early requisition (which I earnestly invite) upon the executive of this State, for her just quota of the additional number of troops necessary to be called out to meet the hosts of the invader—the troops to be organized into companies, battalions and regiments, in accordance with the laws of this State.

The prompt and patriotic response made by the people of Georgia to every call for volunteers, justifies the reasonable expectation that I shall be able to fill your requisition in a short time after it is made, and authorizes me,

in advance, to pledge prompt compliance. This can be done, too, when left to the State authorities, in such way as not to disband nor destroy her military organization at home, which must be kept in existence to be used in case of servile insurrection or other pressing necessity.

If you should object to other new organizations on the ground that they are not efficient, I beg to invite your attention to the conduct of the newly organized regiments of Georgians, and indeed of troops from all the States, upon the plains of Manassas, in the battles before Richmond, upon James' Island near Charleston, at Shiloh, at Richmond, Kentucky, and upon every battle-field, whenever and wherever they have met the invading forces. If it is said that some of our old regiments are almost decimated, not having more than enough men in a regiment to form a single company; that it is too expensive to keep these small bands in the field as regiments, and that justice to the officers requires that they be filled up by conscripts, I reply, that injustice should never be done to the troops for the purpose of saving a few dollars of expense; and that justice to the men now called into the field, as imperatively requires that they should have the privilege allowed to other troops to exercise the constitutional right of entering the service under officers selected and appointed as directed by the laws of their own State, as it does, that officers in service shall not be deprived of their commands when their regiments are worn out or destroyed.

Our officers have usually exposed themselves in the van of the fight, and shared the fate of their men. Hence but few of the original experienced officers who went to the field with our old regiments, which have won so

bright a name in history, now survive, but their places have been filled by others appointed in most cases by the President. They have, therefore, no just cause to claim that the right of election, which belongs to every Georgian, shall be denied to all who are hereafter to enter the service, for the purpose of sustaining them in the offices which they now fill.

If it becomes necessary to disband any regiment on account of its small numbers, let every officer and private be left perfectly free to unite with such new volunteer association as he thinks proper, and in the organization and selection of officers, it is but reasonable to suppose that modest merit and experience will not be overlooked.

The late act of Congress, if executed in this State, not only does gross injustice to a large class of her citizens, utterly destroys all State military organizations, and encroaches upon the reserved rights of the State, but strikes down her sovereignty at a single blow, and tears from her the right arm of strength, by which she alone can maintain her existence, and protect those most dear to her and most dependent upon her. The representatives of the people will meet in General Assembly on the 6th day of next month, and I feel that I should be recreant to the high trust reposed in me, were I to permit the virtual destruction of the government of the State, before they shall have had time to convene, deliberate and act.

Referring, in connection with the considerations above mentioned, to our former correspondence, for the reasons which satisfy my mind beyond doubt of the unconstitutionality of the conscription acts; and to the fact that a Judge of this State, of great ability, in a case

regularly brought before him in his judicial capacity, has pronounced the law unconstitutional; and to the further fact that Congress has lately passed an additional act authorizing you to suspend the privilege of the writ of habeas corpus, doubtless with a view of denying to the judiciary in this very case the exercise of its constitutional functions, for the protection of personal liberty, I can no longer avoid the responsibility of discharging a duty which I owe to the people of this State, by informing you that I cannot permit the enrollment of conscripts, under the late act of Congress entitled "An act to amend the act further to provide for the common defence," until the General Assembly of this State shall have convened and taken action in the premises.

The plea of necessity set up for conscription last spring, when I withheld active resistance to a heavy drain upon the military organization of the State under the first conscription act, cannot be pleaded, after the brilliant successes of our gallant armies during the summer and fall campaign, which have been achieved by troops who entered the service, not as conscripts but as volunteers. If more troops are needed to meet coming emergencies, call upon the State, and you shall have them as *volunteers* much more rapidly than your enrolling officers can drag *conscripts*, like slaves, "in chains," to camps of instruction. And who that is not blinded by prejudice or ambition, can doubt that they will be much more effective as volunteers than as conscripts? The volunteer enters the service of his own free will. He regards the war as much his own as the government's war, and is ready, if need be, to offer his life a willing

sacrifice upon his country's altar. Hence it is that our *volunteer armies* have been invincible when contending against vastly superior numbers with every advantage which the best equipments and supplies can afford. Not so with the conscript. He may be as ready as any citizen of the State to volunteer, if permitted to enjoy the constitutional rights which have been allowed to others, in the choice of his officers and associates. But if these are denied him, and he is seized like a serf and hurried into an association repulsive to his feelings, and placed under officers in whom he has no confidence, he then feels that this is the Government's war, not his; that he is the mere instrument of arbitrary power, and that he is no longer laboring to establish constitutional liberty, but to build up a military despotism for its ultimate but certain overthrow. Georgians will never refuse to volunteer as long as there is an enemy upon our soil, and a call for their services. But if I mistake not the signs of the times, they will require the government to respect their constitutional rights.

Surely no just reason exists why you should refuse to accept volunteers when tendered, and insist on replenishing your armies by conscription and coercion of free-men.

The question then is, not whether you shall have Georgia's quota of troops, for they are freely offered—*tendered in advance*—but it is whether you shall accept them when tendered as volunteers, organized as the Constitution and laws direct, or shall, when the decision is left with you, insist on rejecting volunteers and dragging the free citizen of this State into your armies as conscripts. No act of the government of the United States prior to the secession of Georgia struck a blow at con-

stitutional liberty, so fell, as has been stricken by the conscription acts. The people of this State had ample cause, however, to justify their separation from the old government. They acted coolly and deliberately in view of all the responsibilities, and they stand ready to day to sustain their action, at all hazards; and to resist submission to the Lincoln government, and the reconstruction of the old Union, to the expenditure of their last dollar and the sacrifice of their last life. Having entered into the revolution freemen, they intend to emerge from it freemen. And if I mistake not the character of the sons, judged by the action of their fathers against Federal encroachments under Jackson, Troup, and Gilmer, respectively, as executive officers, they will refuse to yield their sovereignty to usurpation, and will require the government, which is the common agent of all the States, to move within the sphere assigned it by the constitution.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, November 17, 1862.

GENERAL G. T. BEAUREGARD,

Charleston, S. C.,

GENERAL: I have the honor this morning to acknowledge the receipt of your note of the 15th instant, accompanied by a receipt of your communication to me under date of the 31st of October last, relative to a proposed conference between the Governors of the Southern States



and those of the Northwestern States. As you desired, I have substituted and placed on file in this department your last in lieu of your first letter, and herewith return the latter to you. I have also received the letter of Maj. J. L. Locke, with your indorsement thereon, in reference to speculation in corn. As the General Assembly is now in session, I have that subject under consideration. I will submit the letter to a committee appointed on that question, but I fear that measures against speculation will not be adopted by the Legislature as stringent as I could wish.

Very respectfully, etc.,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, November 24, 1862.

His Excellency JEFFERSON DAVIS:

DEAR SIR: As directed by a joint resolution of the General Assembly of this State, of which the inclosed is a copy, I make known their wishes to you, and respectfully request that you direct the Chief of Ordnance to give me an order upon Colonel Rains, of Augusta, for the powder. We anticipate trouble with our slaves during the approaching holidays and fear we shall need the powder. Most of the powder mentioned in the resolution was furnished by the State to supply Fort Pulaski before it fell into the hands of the enemy and to supply our batteries along the coast and around Savannah. Your

early attention to this matter will greatly oblige the people of this State.

I am, very respectfully,

JOSEPH E. BROWN.

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[Inclosure.]

Whereas, the State of Georgia has heretofore loaned to the Confederate Government about 160,000 pounds of powder; and whereas the State now needs a portion of the same for its internal police;

*Be it therefore resolved by the Senate and House of Representatives,* That the Confederate Government is hereby respectfully requested to return to the Governor of Georgia 25,000 pounds of the amount of powder so loaned, as soon as the same can be done, for the use of the State.

*Be it further resolved,* That a copy of this preamble and resolution be forwarded to His Excellency, the President of the Confederate States.

Assented to November 22, 1862.

JOHN BILLUPS,  
*President of the Senate.*

JAS. M. MOBLEY,  
*Secretary of the Senate.*

WARREN AKIN,  
*Speaker of the House of Representatives.*

L. CARRINGTON,  
*Clerk of the House of Representatives.*

JOSEPH E. BROWN,  
*Governor.*

RICHMOND, VA., November 26, 1862.

GOVERNOR J. E. BROWN, of Georgia:

SIR: The present condition of public affairs induces me to address this circular to the Governors of the several States on a subject of vital importance to our people. The repeated defeats inflicted on the Federal forces in their attempt to conquer our country have not yet sufficed to satisfy them of the impossibility of success in their nefarious design to subjugate these States. A renewal of the attempt on a still larger scale is now in progress; but with manifest distrust of success in a warfare conducted according to the usages of civilized nations, the United States propose to add to the enormous land and naval forces accumulated by them, bands of such African slaves of the South as they may be able to wrest from their owners, and thus to inflict on the non-combatant population of the Confederate States all the horrors of a servile war, superadded to such atrocities as have already been committed on numerous occasions by their invading forces. To repel attacks conducted on so vast a scale the most energetic action of every department of the Government is directed; but appreciating the great value of the cordial co-operation of the different State governments, and with unfaltering reliance on their patriotism and devotion to our cause, I earnestly appeal to them for all the aid it may be in their power to extend to the officers of the War Department in the discharge of their duties within the several States, and for their co-operation in the following important particulars.

First. In the enrollment of the conscripts and the forwarding of them to the proper points of rendezvous.

Second. In restoring to the Army all officers and men now within the States absent without leave, or whose term of absence has expired, or who have recovered from disability and are now able to return to duty.

Third. In securing for the use of the Army all such necessary supplies as exist within the States in excess of the quantity indispensable for the support of the people at home. Prompt action in these matters will save our people from very great suffering, will put our Army in a condition to meet the enemy with decisive results, and thus secure for us an early and honorable peace on the basis of recognized independence. In addition to the above urgent matters I beg respectfully to ask the aid of the Executives of the several States in recommending to the several Legislatures such legislation as will enable the Governor to command slave labor to the extent which may be required in the prosecution of works conducive to the public defence; also the adoption of some means to suppress the shameful extortions now practiced upon the people by men who can be reached by no moral influence, and who are worse enemies of the Confederacy than if found in arms among the invading force. The armies in the field, as well as the families of the soldiers and other of the people at home, are the prey of these mercenaries, and it is only through State action that their traffic can be repressed. Their punishment is ardently desired by every patriot.

I am, very respectfully, your obedient servant,

JEFFERSON DAVIS.

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., November 29, 1862.

GENERAL G. T. BEAUREGARD,

*Comdg. Dept. of S. C., Ga., and Fla.*

Charleston, S. C.:

GENERAL: The General Assembly of this State has just passed an act authorizing me to place obstructions in the navigable streams of this State against incursions of the enemy and to hire or impress slaves to perform the necessary labor. As I desire to preserve and cultivate the most cordial relations between yourself as the commander of the military department in which Georgia is embraced and myself in carrying out the provisions of said act, I propose to furnish the laborers by hiring or impressing them as contemplated in the act, and putting them under officers and engineers detailed by you for that duty, and to give the whole planning, supervision, control, and execution of the work to such officers and engineers as you may order on such duty.

I make this proposition, as it may be difficult for me to procure the services of competent engineers, and to avoid any conflict which might ensue in having the obstructions put in the rivers between State and Confederate officers or any other conflicting interest. Should you take charge of and execute the work I will cause all the laborers to be furnished at such points as you may designate, and will expect the Confederate Government to pay the expense of the slaves, including hire, subsistence, transportation, etc., on terms somewhat similar to those on which the laborers are furnished to

General Mercer to finish the fortifications at Savannah, in obedience to his requisition made on the State for laborers. Be pleased to communicate with me on the subject.

The places in the streams where obstructions shall be placed will be selected by your engineers or officers.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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EXECUTIVE OFFICE,

RICHMOND, VA., November 29, 1862.

His Excellency, GOVERNOR BROWN, of Georgia.

DEAR SIR: My aide-de-camp, Col. William M. Browne, will hand you the enclosed circular letter addressed by me to the Governors of the several States.\* I have directed Col. Browne to confer with you in relation to the subject of this letter, in the hope that by personal interview time may be gained in the accomplishment of the important results which I desire to attain.

Respectfully and truly, yours,

JEFFERSON DAVIS.

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\*See Nov. 26, 1862.

CONFEDERATE STATES OF AMERICA, . . .

WAR DEPARTMENT.

RICHMOND, VA., November 29, 1862.

His Excellency J. E. BROWN,

*Governor of Georgia,*

Milledgeville, Ga.:

SIR: The Department is informed that an act has passed the Legislature of Georgia prohibiting the distillation of whisky, and the Commissary-General having made contracts for a large amount of that article in your State, I have the honor to request that such contracts may be excepted from the operation of the law. I have also to ask that, if consistent with your sense of public duty, you will allow the officers of the Commissary Bureau to continue their arrangements to the extent of 250,000 gallons of whisky without removing the distilleries twenty miles from any railroad, such permission being deemed important to the public service.

Very respectfully, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

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MILLEDGEVILLE, December 1, 1862

HON. J. A. SEDDON:

You will greatly oblige me if you will inform me whether [the] order of Mr. Randolph to Major Dunwody

not to enroll the commissioned officers of the militia of this State has been canceled and whether the enrollment as conscripts has been ordered. An early reply is respectfully solicited.

JOS. E. BROWN.

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[First indorsement.]

Adjutant-General report. Has the order referred to been canceled?

J. A. S.

*Secretary.*

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[Second indorsement.]

ADJUTANT AND INSPECTOR

GENERAL'S OFFICE,

December 5, 1862.

Respectfully submitted to the Secretary of War.

There is no evidence in this office of the original order referred to.

JASPER S. WHITING,

*Major and Assistant Adjutant-General.*

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[Third indorsement.]

WAR DEPARTMENT,

December 8, 1862.

No such order appears upon the records of this office.

R. G. H. KEAN,

*Chief of Bureau of War.*



HEADQUARTERS DEPARTMENT OF  
SOUTH CAROLINA, GEORGIA AND FLORIDA.

CHARLESTON, S. C., December 2, 1862.

His Excellency Gov. JOSEPH E. BROWN,

Milledgeville, Ga.:

SIR: Your letter of the 29th ultimo has been received. I thank you for the considerate offer of placing under my control and that of the engineer officers to be designated by me the laborers required to obstruct the navigable streams of Georgia in pursuance to an act of the General Assembly. I avail myself with pleasure of said offer, and I have ordered my chief engineers for Georgia and Florida (Capt. John McCrady and Theodore Moreno) to correspond with you directly on the subject. The latter officer is in charge of the obstructions of the Chattahoochee by order of the War Department.

After full inquiry and mature consideration I decided a few days ago to obstruct the Altamaha River at a favorable military position, Lake Bluff, about  $11\frac{1}{2}$  miles below the Albany and Savannah Railroad. The officer specially in charge of said work and protecting battery is Capt. John Howard, Provisional Army of the Confederate States, under the general instructions of Capt. John McCrady.

The general plan of obstruction I have adopted for shallow rivers is simple, easily constructed, of little cost, and I hope will prove very effectual.

Any of the streams Your Excellency should consider ought to be obstructed would be reconnoitered as soon as an engineer officer could be selected for that object.

The conditions contained in your letter relative to the negroes furnished by you are accepted.

I remain, with respect, Your Excellency's obedient servant,

G. T. BEAUREGARD,  
*General, Commanding.*

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DALTON, December 3, 1862.

HON. J. A. SEDDON,

*Secretary of War:*

I beg leave to repeat my telegram of 1st instant. You will greatly oblige me if you will inform me whether the order of Mr. Randolph to Major Dunwody not to enroll the commissioned officers of the militia of this State has been annulled, and whether the enrollment as conscripts has been ordered. An early reply is respectfully solicited.

JOS E. BROWN.

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EXECUTIVE DEPARTMENT,

MONTGOMERY, ALA., December 15, 1862.

HON. JAMES A. SEDDON,

*Secretary of War, Richmond:*

SIR: I have the honor to introduce to you James A. Clendenin, Esq., a gentleman of character and standing

in this State, who is the bearer on my part of a copy of a joint letter from the Governors of Georgia, Florida, and Alabama, requesting the formation of a new military department as therein specified.

Mr. Clendenin has been engaged in a contract for the manufacture of salt upon the coast of Florida, and his works have been recently broken up by the enemy; is well acquainted with the country, and can give you full and complete information of the necessity for more efficient military protection.

Numbers are escaping from the operations of the conscript law, and making this coast, now under the control of the enemy, their refuge. The appointment of General Howell Cobb to the department recently organized is highly satisfactory, and the extension of his command, would, with the organization recommended, accomplish all that is desired.

Your obedient servant,

JNO. GILL SHORTER.

*Governor of Alabama.*

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December 23, 1862.

I cordially concur with Gov. Shorter in the expression that an extension of the boundary of Gen. Cobb's department will be satisfactory.

JOSEPH E. BROWN.

[Inclosure.]

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., November 4, 1862.

His Excellency JEFFERSON DAVIS,

*President of the Confederate States:*

SIR: We, the Governors of Alabama, Georgia and Florida, most respectfully unite in the request that you will order the formation of a new military department, to be composed of the counties of Henry, Dale Barbour, Covington, Coffee and Pike, in Alabama; of the counties of Decatur, Thomas, Miller, Early, Baker, Clay, Calhoun, Randolph, Quitman, Stewart, Muscogee, Chattahoochee, Mitchell, and Dougherty, in Georgia and of the counties of Leon, Gadsden, Wakulla, Jefferson, Madison, Liberty, Washington, Jackson, Calhoun, and Franklin, in Florida. Thoroughly acquainted as we are with the geography and resources of our respective States, and with the present military organizations in them, we feel strongly the necessity of this new department. It is almost impossible for General Forney constantly engaged as he is and must be, in watching the movements of the enemy before Mobile, to give the proper attention to the counties in his department lying on the Apalachicola River, 200 miles to the east of him, and unconnected by railroad or telegraph; and it is equally impossible for General Finegan, while contending with the enemy in East and South Florida, to give the needed protection to the counties of Middle Florida about the same distance west of him. We do not wish to cast a shadow of censure on either of these generals, but only to state that neither can do full justice

to one portion of his department, as at present constituted, without neglecting another. We would briefly call Your Excellency's attention to the fact that the new department which we propose is in imminent danger of being overrun by the enemy very soon, he being induced thereto by its present defenseless condition, and its vast wealth in cotton, slaves, cattle, hogs, corn, etc., and embracing as it does, the important city of Columbus, in Georgia, and the capital of Florida, besides an extensive seaboard, along which thousands of the citizens of our respective States are now engaged in making salt for the use of themselves and neighbors, hundreds of miles in the interior. We know the embarrassments of the Government with regard to troops and arms, and the previous action of our States shows that we would be last to add to them. To supply troops to the department now proposed we respectfully suggest that we be authorized by Your Excellency to call for six-month's volunteers, or for such other term as you may suggest (the shorter the term the more speedily we can raise them, and the danger is very pressing), from among those not subject to conscription and those subject to conscription between the ages of thirty-five and forty-five years, each regiment to elect its own officers, under its State laws, then to be tendered to the Confederate Government, and be commanded by a brigadier appointed by yourself.

Hoping that this, to us very important subject, will meet Your Excellency's early and favorable consideration, we have the honor to be, most respectfully, Your Excellency's obedient servants,

JNO. GILL SHORTER,

*Governor of Alabama.*

N. B.—Copy of all the above sent to the Governors of Georgia and Florida for their signatures respectively.

December 23, 1862.

I signed this petition on the 8th of November, and forwarded it by mail to Governor Milton for his signature, with request that he mail it to the President. I now again unite with Governor Shorter in the request.

JOSEPH E. BROWN,  
*Governor of Georgia.*

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CONFEDERATE STATES OF AMERICA,  
WAR DEPARTMENT,  
RICHMOND, VA., December 26, 1862.

HIS EXCELLENCY JOSEPH E. BROWN,  
Milledgeville, Ga.:

SIR: The President referred to this Department your letter of November 24, covering the resolutions of the Legislature of Georgia, requesting the return of a part of the powder loaned to the Government by that State; but owing to an accidental detention, under the pressure of business, your communication did not reach me until yesterday. I immediately directed the Chief of Ordnance to order Colonel Rains, at Augusta, to place 10,000 pounds of powder at your disposal, and informed you of my action by telegraph. Recent demands from your section of the country have drawn so largely upon our supplies of ammunition in that quarter as to render it inexpedient,

in the opinion of the Chief of Ordnance, to furnish a larger quantity at present, but the Government recognizes to the full extent its obligation to return the powder so patriotically placed at its disposal by the State of Georgia; and should it be needed the quantity mentioned by the resolutions of the Legislature (25,000 pounds) will be delivered to your order from any of the arsenals in the State which may be most convenient to the points threatened. I trust, however, that your anticipations of trouble with the slaves during the Christmas holidays will not be realized.

With sentiments of esteem and respect, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, December 29, 1862.

His Excellency JEFFERSON DAVIS:

DEAR SIR: I enclose you herewith copy of resolutions passed by the General Assembly of this State, which were approved on the 13th instant, for the organization of two regiments of State troops for the protection of the people of this State against the inroads of the invader and for the performance of police duty within the limits of this State; to maintain the public peace and the security of our wives and children against servile insurrection or rebellion.

In your letter to me of 29th of May last you say:

“Congress may call forth the militia to execute Confederate laws. The State has not surrendered the power to call them forth to execute State laws. Congress may call them forth to repel invasion; so may the State, for it has expressly reserved this right. Congress may call them forth to suppress insurrection; and so may the State, for the power is impliedly reserved of governing all the militia except the part in actual service of the Confederacy.”

In conformity to your opinions as above expressed the Legislature of this State have, by their resolutions, authorized me to raise said two regiments out of any of the militia of this State who are not in the active service of the Confederacy or out of any other able-bodied men who may volunteer. Sincerely desiring harmony and concord between the State and the Confederate authorities in all matters pertaining to the common defence, I have instructed the militia officers of this State, in mustering volunteers into her service, “to muster in no one between the ages of eighteen and forty-five who has been actually enrolled into Confederate service by any enrolling officer of that service.”

The doctrine of the concurrent jurisdiction of the State and the Confederacy over the militia, in case of invasion or insurrection and for the execution of their laws, respectively, having been laid down by you in plain terms, the General Assembly have preferred to act upon that doctrine, and, without waiving the right of the State over her whole militia, to confine the organization which they direct to such of her militia as have not been actually enrolled into Confederate service. I shall require of the



State officers a strict conformity to this direction of the General Assembly of the State, and respectfully request that you give such orders to your enrolling officers within this State as will cause them to Act upon your own construction of the Constitution as above quoted, and to interfere with no part of the militia of this State who have been called forth by the State and actually mustered into her service to be used for the suppression of insurrection and the repulsion of invasion. Inclosed I also send copy of the general order from the office of the adjutant and inspector-general of this State, under which the two regiments are to be organized.

I am, with great respect, your obedient servant,

JOSEPH E. BROWN.

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[Inclosure No. 1.]

*Resolutions passed by the General Assembly of Georgia authorizing the Governor to organize two regiments of State troops to be employed in the military service of the State for the protection of her people against the invading forces of the enemy and for internal police duty.*

*Resolved by the General Assembly, That the Governor be, and he is hereby, authorized to call into the service of the State two regiments of militia, to consist of companies not exceeding 100 men, rank and file, including the two companies now in service on the Western and Atlantic Railroad; such amount of said force to be employed for guarding and protecting the railroad bridges of this State as he may deem necessary and the remainder of said force to be used for such purposes and at such points in this State as to His Excellency shall seem advisable.*

*Resolved further*, That His Excellency the Governor be, and he is hereby, authorized in raising said regiments to advertise and call for volunteers from all the militia except the part in actual service of the Confederacy, and from such able-bodied citizens of this State not subject to military duty as will volunteer, stating where each regiment will be located or expected to perform service; and the same shall be organized by the Adjutant-General of this State pursuant to the laws of force in said State and such rules and regulations consistent therewith as he may prescribe therefor.

*Resolved further*, That the regiments so organized shall be governed by and subject to the Rules and Articles of War of the Confederate States, the military laws of the Confederate States, and the Confederate Regulations for the Army, so far as consistent with the Constitution of Georgia.

*Resolved further*, That the pay and allowances of the officers, non-commissioned officers, musicians, and privates shall be the same as in the Confederate Army, and drawn from the military fund provided for the year 1863 according to the usage now obtaining.

WARREN AKIN,

*Speaker of the House of Representatives.*

L. CARRINGTON,

*Clerk of the House of Representatives.*

JOHN BILLUPS,

*President of the Senate.*

JAMES M. MOBLEY,

*Secretary of the Senate.*

JOSEPH E. BROWN,

*Governor.*

Approved December 13, 1862.

[Inclosure No. 2.]

STATE OF GEORGIA,  
ADJT. AND INSPT.-GENERAL'S OFFICE,  
MILLEDGEVILLE, December 17, 1862.

(GENERAL ORDERS)

No. 23.

Under the resolution of the General Assembly assented to December 13, 1862, authorizing two regiments to be organized for the service of the State, the Governor will accept the first fifteen companies tendered that shall consist of not less than 90 nor more than 100 men, rank and file. In addition, he will accept three companies, to be made up within the counties of Gilmer, Fannin, Union, Towns, Rabun, Habersham, White and Lumpkin as soon as tendered, if made up within a reasonable time—say thirty days from the date of this order. In his opinion reasons exist which justify the exception from the State at large of the counties above named, and he hopes that those citizens within these counties who may have been dissatisfied will no longer stand out against the laws of their country, but will, now that an opportunity is offered, take up arms in defense of their own State. All the companies thus raised will serve within the limits of Georgia, and so soon as ninety-four men are actually associated together, will elect their company officers, to-wit.: Captain, first, second and third lieutenants, pursuant to the laws now of force in the State.

These eighteen companies, when organized, together with two companies of bridge guards already in service, will be formed into two regiments of ten companies each.

The ten companies organized nearest the upper line of the State will constitute the first regiment, and the ten companies organized nearest the lower line of the State will form the second regiment. Until further orders the headquarters of the first regiment will be Atlanta and of the second regiment at Macon, though the companies of each will be stationed at different points and be moved frequently, either by detachments or by company, through the counties of that division of the State to which they may be attached, the better to suppress insurrection and to preserve the public peace. When necessary the companies of each regiment will be concentrated or otherwise combined, as in the opinion of the Governor the interests of the State may require.

By the resolution of the General Assembly authorizing these regiments, it is provided that the "Governor shall advertise and call for volunteers from all the militia except the part in actual service of the Confederacy, and from such able-bodied citizens of this State not subject to military duty as will volunteer." It is to be distinctly understood, therefore, that no one between the ages of eighteen and forty-five will be received who has been actually enrolled into the Confederate service by any enrolling officer of that service. On the other hand, the Legislature claims the right for any one to volunteer for the State service who is not in actual service in the Confederacy; and it is expected that no one who has been mustered into the State service will afterward be disturbed by any enrolling officer. As these two regiments are auxiliary to the great objects of the Confederacy, there is no reason why perfect harmony should not exist between the State and the Confederacy in their organization. Any colonel, lieutenant-colonel, major, or captain

of the militia in actual commission is hereby authorized to muster into the service of the State any and all persons presenting themselves as volunteers, and as fast as mustered in to give to each a furlough of fifteen days and a certificate that he has been so mustered in; and if any person thus mustered in does not within fifteen days associate himself with one of the first fifteen companies to be formed, as above provided, and tendered to the Governor, he will be considered as discharged from service without cost to the State. Any company failing to tender as one of the first fifteen will be rejected, and the individuals composing it will no longer be considered as in the service of the State.

As these regiments may be needed during the war or for a shorter period, they will be taken into the service for no specified term, but until disbanded. The pay and allowance of the officers, non-commissioned officers, musicians and privates of these regiments will be the same as in the Confederate Army.

The following oath of allegiance will be administered by mustering officers to such as may volunteer:

I, \_\_\_\_\_, do solemnly swear or affirm (as the case may be) that I will bear true allegiance to the State of Georgia, and that I will serve her honestly and faithfully against all her enemies or opposers whatsoever and observe and obey the orders of the Governor of the State of Georgia and the orders of the officers appointed over me, according to the rules and articles for the government of the troops of Georgia.

Sworn to and subscribed before me at \_\_\_\_\_ this  
the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

The following certificate will be given to persons mustered in as above:

I certify that-----has this day been mustered into the military service of the State of Georgia by me under General Orders, No. 23, of December 17, 1862, from the adjutant and inspector-general's office, and that he has a furlough for fifteen days from this date, with the privilege within that time to associate himself with any volunteer company which he may select and to assist in its organization, with the right to vote for his officers. The officer mustering in will forward the name of each person so mustered in to the adjutant and inspector-general's office.

By order of the commander-in-chief:

HENRY C. WAYNE,

*Adjutant and Inspector-General.*

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RICHMOND, VA., January 27, 1863.

His Excellency JOSEPH E. BROWN,

Milledgeville, Ga.

SIR: I have received and read with interest your letter indorsing a copy of an Act and joint resolution of the Legislature of Georgia, partially prohibiting the cultivation of cotton in the State during the continuance of the war, and urging upon planters the necessity for increased attention to the production of provisions. The inauguration of this policy affords me great gratification. This prompt and emphatic expression by the Legislature

of the sentiment of the people of Georgia, it is to be hoped, will be met by the concurrent action of the other States upon the subject; and from the general adoption of the scheme we may anticipate the best results. The possibility of a short supply of provisions presents the greatest danger to a successful prosecution of the war. If we shall be able to furnish adequate subsistence to the army during the coming season we may set at defiance the worst efforts of our enemy. A general compliance by the farmers and planters, therefore, with the suggestions of this joint resolution will be the guaranty of our independence.

Very respectfully yours,

JEFFERSON DAVIS.

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, February 7, 1863.

HON. JAMES A. SEDDON,

*Secretary of War:*

DEAR SIR: The statements of General Beauregard and of Brigadier-General Mercer cause me to fear an early attack upon Savannah by a heavy force of the enemy. As you are aware, we have a very inadequate force there for its defense. If re-enforcements are not sent by your order, and the attack is made, there is strong reason to fear that the city must fall. I shall in a few days have two regiments of State troops ready for service, who will be sent to Savannah in case of the continued prospect of attack, but this, which is all the State

can do, will be wholly insufficient. I therefore most earnestly request that you send early re-enforcements to Savannah. The Fifty-fifth Regiment Georgia volunteers, now at Cumberland Gap, while its commanding officer has behaved very badly, is an excellent body of men, and under the command of Lieutenant-Colonel Persons would be most effective and valuable. On account of the character of the regiment having suffered by the conduct of Colonel Harkie, I feel that it is due the men and other officers of whom it is composed that the regiment be placed where it can have active service, and by its bravery and high-toned valor wipe out any supposed stain which rests upon it. I therefore specially ask that it be transferred to the coast immediately, that it may participate in the pending conflict. I also ask the same favor for Colonel Smith's Legion, now at Loudon, Tenn., if compatible with the public interest. Our military authorities and our whole people feel great interest in having the defenses of Savannah strengthened as soon as possible. I am informed that the Sixty-third Tennessee Regiment, commanded by Colonel Fain, now stationed at Cumberland Gap, is not attached to any brigade and could at once take the place of the Fifty-fifth Georgia in the brigade. This I trust may be considered as another reason in favor of the early transfer of the Fifty-fifth Georgia to the coast. I greatly prefer that all the re-enforcements sent be Georgians, if it can be so arranged.

Very respectfully, etc.,

JOSEPH E. BROWN.



SAVANNAH, February 17, 1863, 8:45 p. m.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

I have ordered all State troops sent here to be subsisted. The arms you refer to will soon be here. I hope to give the Abolitionists a warm reception.

G. T. BEAUREGARD.

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SAVANNAH, GA., February 18, 1863.

GENERAL S. COOPER.

*Adjutant and Inspector-General, Etc., Richmond:*

Shall I call on Governors of Georgia and South Carolina for all the State troops and militia they can furnish for the defense of Savannah and Charleston? If so, how many days? Please answer immediately.

G. T. BEAUREGARD.

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[Indorsement.]

Inform as to action taken with regard to militia of South Carolina, also Governor Brown's statement in relation to sending two regiments and not having other force. If General Beauregard can get troops of any kind let him do it. Six months is the fixed time of militia.

J. D.

SAVANNAH, GA., February 18, 1863.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Enemy collecting large land and naval forces at Port Royal to attack this place or Charleston. Can any State troops or militia be furnished for the defense of Savannah; if so, how many?

G. T. BEAUREGARD.

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MILLEDGEVILLE, February 18, 1863.

His Excellency, JEFFERSON DAVIS:

Owing to the drought last summer a large part of Cherokee, Ga., did not make a support. Corn now worth \$3 a bushel, and soldiers' families suffering. In this exigency the little supplies of provisions in the hands of a few is being seized by Confederate officers, leaving none to distribute to relieve those likely to starve. If this continues the rebellion in that section will grow, and soldiers in service will desert to go to the relief of their suffering families. This conduct of your officers is worthy of your immediate attention, and I beg you to stop it without delay. Plenty of corn can be bought in Southwestern Georgia, and the railroads are at the command of the Confederate officers. Please order them to get supplies for the army from that section.

I beg an immediate reply.

JOS. E. BROWN,  
*Governor of Georgia.*

RICHMOND, VA., February 19, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

Your dispatch of the 18th received. Secretary of War will give instructions and will write to you on the subject.

JEFFERSON DAVIS.

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MILLEDGEVILLE, March 16, 1863.

His Excellency, JEFFERSON DAVIS,

Richmond, Va.:

I am informed that General Bragg has issued an order for the seizure of the State railroad. I have done all in my power to accommodate him with transportation. The road is as absolutely the property of the State as is the State House. If he may seize the one, he may the other. I must beg you to instruct him in his duties and save me the unpleasant necessity of repelling his unwarrantable aggressions by force from the hour the seizure is made. All operations on the road will stop till the question is settled.

JOSEPH E. BROWN.

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[Indorsement.]

Secretary of War for notice. Has any information been given?

J. D.

RICHMOND, VA., March 17, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

Your dispatch of yesterday received today. Suppose you have been misinformed, but to guard against contingency have directed that if such authority has been given it be countermanded. You may rest assured that I will at all times endeavor to prevent aggression by Confederate officers, and hope when any case requiring redress occurs that you will notify me, and give time for the application of a proper remedy.

JEFFERSON DAVIS.

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MILLEDGEVILLE, March 18, 1863.

(Received 19th.)

His Excellency, JEFFERSON DAVIS,

Richmond, Va.:

Your dispatch of yesterday is quite satisfactory for the assurance it contains. I return you my thanks and will comply with your request. I trust you will have granted furloughs to the officers and members of General Assembly in military service, as I requested a week since. The Legislature meets next Wednesday.

JOSEPH E. BROWN.

RICHMOND, VA., March 19, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

Dispatch of 18th received. Order granting furlough was published on the 16th and copy sent you by mail.

JEFFERSON DAVIS.

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RICHMOND, VA., March 20, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.

MY DEAR SIR: In reply to my telegram of the 17th instant, in reference to the seizure of the State railroad, General Bragg states that the ordnance officer at Atlanta asserted to him that the road refused to transport arms and ammunition, and that he (General Bragg) then directed the quartermaster's department to use force, if necessary, to get forward these supplies and report the facts to Colonel Wadley, superintendent. The supplies were forwarded and force was not used. Such action on the part of the officers of the Confederate Government is much to be regretted, although force, as I am glad to learn, was not used in this case. General Bragg has been directed, in the event of similar difficulties hereafter arising, to call upon you for assistance, with the assurance that you will be always ready to further, in any proper manner, the interests of our common cause.

Very respectfully and truly,

JEFFERSON DAVIS.

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 14, 1863.

His Excellency, JEFFERSON DAVIS,

*President, Etc.*

DEAR SIR: In conformity to the request of the General Assembly of this State, I have the honor herewith to transmit to you a copy of resolutions just passed, recommending an increase of pay to the privates and non-commissioned officers in the service of the Confederate States.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

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[Inclosure.]

Whereas, His Excellency the Governor has brought the question of the justice and propriety of increasing the monthly pay of privates and non-commissioned officers of the armies of the Confederate States before the General Assembly; and whereas, the General Assembly concurs in the justice and importance of this recommendation. Therefore,

*Resolved*, (1), That our Senators and Representatives in Congress be, and they are hereby, requested to bring the question before the Congress of the Confederate States, and to do all in their power, by their influence and their votes, to procure the passage of an Act to raise the monthly pay of privates in the army to twenty dollars per month, and non-commissioned officers in like proportion, and to procure the assessment of a tax sufficient to

meet the increased expenditure, to be levied, as far as practicable, upon the income of speculators and extortioners, and upon the wealth of those who are not in the army.

*Resolved* (2), That the Governor be requested to forward a copy of these resolutions to the President of the Confederate States, and to the Governor of each State in the Confederacy, and to each of our Representatives in Congress.

*Resolved* (3), That the troops in the service of this State shall receive the same pay as the Confederate troops.

JOHN BILLUPS,  
*President of the Senate.*

JAS. M. MOBLEY,  
*Secretary of Senate.*

WARREN AKIN,  
*Speaker House of Representatives.*

L. CARRINGTON,  
*Clerk House of Representatives.*

Cordially approved April 13, 1863.

JOSEPH E. BROWN,  
*Governor.*

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

April 24, 1863.

BRIG. GEN. H. W. MERCER,

Savannah, Ga.

DEAR SIR: I received your requisition for 1,500 negroes to labor on the additional works "projected for the defenses of Savannah for a period of not less than ninety days," only a day or two before the late meeting of the General Assembly, and submitted the question for the deliberation of the representatives of the people of this State. Soon after the commencement of the session the Act of Congress entitled "An Act to authorize and regulate the impressment of private property for the use of the army and other purposes" was published in the newspapers.

The ninth section of this Act declares:

"Where slaves are impressed by the Confederate Government to labor on fortifications or other public works the impressment shall be made according to the rules and regulations prescribed in the laws of the States where they are impressed; and in the absence of such laws in accordance with such rules and regulations not inconsistent with the provisions of this Act as the Secretary of War shall from time to time prescribe: *Provided*, That no impressment of slaves shall be made when they can be hired or procured by the consent of the owner or agent."



Section 10 is in these words:

“That previous to the first day of December next no slave laboring on a farm or plantation exclusively devoted to the production of grain and provisions shall be taken for the public use without the consent of the owner, except in case of urgent necessity.”

After the appearance of this Act of Congress the opinions of the members of the General Assembly, so far as I could learn them, were that Congress had conferred upon the Confederate officers full and ample power over this question, and that it was their duty to make their own impressments, and not to call upon the State officers to assume this task, which properly belongs to the Confederate officers. It was believed that the Confederate Generals in command had no more right to call on the State government to impress negroes for them than they had to call on State officers to impress provisions, forage, or any other thing necessary for the army, as the Act of Congress makes the one as much the duty of Confederate officers as the other. It was also believed that the negroes now called for could not be collected in time to erect new works which might be completed and ready for use before the time when the enemy will be forced by the heat of the climate to abandon further offensive operations against Savannah this spring; and if it were the purpose of the General making the call to take the negroes out of the plantations, where they are now busy in the cultivation of the grain and provision crops, to erect fortifications for use next winter, it was believed that such an act would be in direct violation of the 10th section of the Act of Congress above referred to, which forbids such taking without the consent of the owner except in case of

urgent necessity, which in that case could not be justly said to exist. If we are to continue the war successfully it is of the most vital importance that our fields shall be cultivated and provisions made for the Army, and the people at home, including the families of our brave soldiers. It is now the time of greatest necessity for labor in the fields. A hand taken from the plantation for the next two or three months had as well be taken for the whole year, as he can make no crop unless he works now.

In addition to the above considerations, it was the opinion of members that the troops now at Savannah will cheerfully and promptly perform the work if the Government will pay them, in addition to their present wages, the hire, clothing, money, and rations which are paid to owners for the use of their slaves. This would add about \$30 per month to the pay of each soldier who will labor on the fortifications when not otherwise employed. It was not doubted if this offer were made them that they would gladly undertake the work and soon complete it. This, if satisfactory to the troops, would certainly be better for the country, as it would leave the slaves at home to make bread for the soldiers and their families, and would enable the troops to send back the additional sum of \$30 a month to each of their families. This would also be a saving to the Government of the heavy expense of impressing and collecting the negroes, including transportation, pay of agents, and compensation to owners for the loss of those who might die in service or escape to the enemy, which taken together is a large item of expense. Indeed, it is believed the Government could afford to pay \$40 per month to each soldier who will work on the fortifications in addition to the wages he now gets, and the work would not then cost as

much as it costs to have it done by negro labor, including all the incidental expenses.

The State troops last year built the line of fortifications constructed by order of General Jackson, including Fort Boggs, with the exception probably of the masonry, without any additional compensation and without complaint. The troops in Virginia and Tennessee have generally built the fortifications ordered by our Generals in the same way. For these and other considerations the General Assembly, after mature consideration, neglected to instruct or advise me to impress the negroes which you desire, believing, if you should decide that the necessity is so urgent as to justify it under the Act of Congress, you then have ample power to impress all you may need. If this should be your decision, and you should determine to take the hands from the plantations at this season of the year, when their labor there is so important to the production of provisions, you will meet with no opposition from the State authorities, and I trust our people will yield a ready acquiescence on your decision.

The further consideration doubtless had its effect upon the Legislature, that when the negroes are impressed by the State authorities and turned over to the Confederate officers the owners look to the State for their proper treatment and support, when the State has no direct control over them. If overseers or agents are sent with the negroes by State authority, they cannot have the control of the hands, as they must be worked under the direction of Confederate officers, and there is a lack of system and a divided responsibility, which can not result beneficially to the slave or to the public service.

If the impression is made by the Confederate officer who is the judge of the necessity and responsible to an enlightened public opinion, for the correctness of his judgment, the power is less likely to be abused, and there will be more system and energy in the prosecution of the work and better attention given the negroes.

While I trust you may determine to hire the troops to do the work and leave the present productive labor of the State to make provisions, without which our success is impossible, I shall be content to abide your decision, as I have the fullest confidence in your ability and patriotism, and hope if you make the impressment it will be so conducted as to bear as lightly as possible upon the agricultural interests of the State.

In conclusion, permit me to add that the resolutions of the General Assembly under which the late requisition was met and filled were predicated upon the fact that you then had no power to impress or hold the slaves. This difficulty having been removed, and the power having been conferred by the Act of Congress, I do not feel authorized further to act under said resolution.

I have the honor to be, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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RICHMOND, VA., May 20, 1863.

His Excellency JOSEPH E. BROWN,

Milledgeville, Ga.

SIR: Continued illness, which has confined me to my

room during several weeks, has prevented a more prompt reply to your letter of the 4th ultimo. It gives me pleasure to learn that your wishes in the matter of transportation for the army over the State railroad have been satisfactorily attended to. A recent letter from General Bragg informs me that at the time of his seizure of the cars on the road he did not know that it belonged to the State, and assures me that he will hereafter use every precaution to prevent improper interference with its management. The kind and emphatic terms in which you express your approval of the general measures of my administration, and convey assurances of future support, afford much gratification. That the war may be prosecuted with vigor and success, co-intelligence and co-operation between the Confederate and State Governments are necessary. I shall be glad at all times to receive an expression of your views upon matters of public policy, and shall always consider them with proper deference.

Very truly and respectfully yours,

JEFFERSON DAVIS.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., June 6, 1863.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: Under the instruction of the President, I have the honor to address you on a subject deemed by him of

great moment. The numerically superior armies of the enemy confronting us in the field at all the most important points render essential for success in our great struggle for liberty and independence greater concentration of our forces, and their withdrawal in a measure from the purpose of local defense to our cities and least exposed States. Being the invaded country, it is impossible throughout the extent of our limits to maintain permanently, without dispersion, which causes weakness everywhere, adequate forces at the numerous points where we may be attacked. The recent raids of the enemy in different portions of our productive, but thinly populated, districts strikingly illustrate both our liability to distracting and desolating invasions, and the impracticability of affording from our armies, with sufficient promptness, the soldiers necessary for prevention or punishment. It becomes essential, therefore, that the reserves of our population capable of bearing arms, yet required for the useful operations of society and the maintenance in the field of our embodied forces, should be relied on for employment in the local defense of important cities, and in repelling, on emergencies, the sudden or transient invasions of the enemy. How best to organize such reserves and make them most effective has been the subject of consideration with the Department, and I venture to present some suggestions for your consideration and action.

The militia of the respective States might on occasion be called out, but this would be attended with the serious evil of being dilatory in execution, and by its generality be exhaustive of the already diminished population engaged in the necessary work of production and supply. The difficulty of assembling, and after discharge

again reassembling them, would probably induce their retention on each call beyond the time strictly necessary. Experience, too, has not shown this kind of force to be very reliable or efficient, as it is difficult, from the want of previous preparation and co-operation, to inspire them with confidence in their leaders or themselves. Local organizations or enlistments by volunteering for limited periods and special purposes, if they can be induced, would afford more assurance of prompt and efficient action. For these the legislation of Congress has made full provision by two laws, one entitled "An act to provide for local defense and special service," approved August 21, 1861,\* the other entitled "An Act to authorize the formation of volunteer companies for local defense," approved October 13, 1862,† to which your attention is invoked, and of which, as they are brief, copies are appended.

Under the former of these, if organizations could be effected with the limitation prescribed in their muster-rolls of service only at home, or at specified points of importance within the particular State, they would be admirably adapted to obtain the desired ends of calling out those best qualified for the service; of employing them only when and so long as they might be needed; of having them animated with esprit de corps, reliant on each other and their selected officers, and of thus securing the largest measure of activity and efficiency, perhaps, attainable from other than permanent and trained soldiers.

After the most active and least-needed portion of the reserves were embodied under the former law, the latter would allow smaller organizations, with more limited

range of service, for objects of police and the pressing contingencies of neighborhood defense. Could these laws generally be acted on, it is believed as full organization of the reserve population would be secured for casual needs as would be practicable. These laws, however, contemplate only voluntary action, and no compulsion or draft can be resorted to to secure organizations under them. It may well be doubted whether at this stage of the war, with the engrossing duties pressing on the limited population at home, and the experience had of the privations of military service, the spirit of volunteering would be sufficiently eager and active to secure the prompt formation of such organizations. The apprehension at least of a draft, otherwise unavoidable, would aid powerfully patriotic impulses, and by interesting all to encourage and assist such organizations might suffice to assure them. The President has, therefore, determined to make a requisition on the Governors of the several States to furnish, by an appointed time, for service within the State, and for the limited period of six months, a number of men proportionate to the relative population of each, unless the same can be organized previously in such voluntary corps as may render them subject to his call for like duty; and it is recommended to you to announce by proclamation such requisition, and that, unless by a preceding day the requisite forces can be presented by voluntary organizations under the first-named law, a draft will be made on all the militia not engaged in voluntary organizations under that law to furnish the requisite quota.

When the need of the country for such additional service is fully presented to and realized by the patriotic population of your State, and, in addition, the question is



narrowed to the election between voluntary organizations for special service within the State, under officers of their own selection, and with the privilege of remaining at home in the pursuit of their ordinary avocations, unless when called for a temporary exigency to active duty and the continuous service for an appointed time, under compulsory draft as militiamen, it is confidently believed that the general preference will be promptly manifested for the former.

In the formation of these organizations it is reasonable to be expected that such portion of the population as may have seen service, but have been by detail, discharged or other cause, released from the army, will constitute an important element, and that officers in like situations will be elected to command, and thus there will be afforded the untried men a confidence and an encouragement wanting to ordinary militia. Without the general disturbance of a call on the militia the organizations nearest to the points of attack would always be readily summoned to meet the emergency, and the population resident in the cities and their vicinities would, without serious interruption to their business or domestic engagements, stand organized and prepared to man their intrenchments and defend, under the most animating incitements, their property and homes.

In pursuance of the views thus imperfectly presented, and to reconcile greater concentration to our armies, with adequate internal protection to your State, I am instructed by the President, in his name, to make on you a requisition for 8,000 men, to be furnished by your State, for service therein, for the period of six months from August 1 next, unless in the intermediate time a volun-

teer force, organized under the law for local defense and special service, of at least an equal number be mustered and reported as subject to his call for service within your State.

Very respectfully, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

(The same sent to His Excellency M. L. Bonham, Governor of South Carolina, for 5,000 men; His Excellency Isham G. Harris, Governor of Tennessee, for 6,000 men; His Excellency John Letcher, Governor of Virginia, for 8,000 men; His Excellency John Milton, Governor of Florida, for 1,500 men; His Excellency J. J. Pettus, Governor of Mississippi, for 7,000 men; His Excellency J. G. Shorter, Governor of Alabama, for 7,000 men, and His Excellency Z. B. Vance, Governor of North Carolina, for 7,000 men.)

\*[Enclosure No. 1.]

AN ACT to provide for local defense and special service.

*The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to accept the services of volunteers of such kind and in such proportion as he may deem expedient, to serve for such time as he may prescribe, for the defense of exposed places or localities, or such special service as he may deem expedient.

SEC. 2. And such forces shall be mustered into the service of the Confederate States, for the local defense or special service aforesaid, the muster-roll setting forth

distinctly the services to be performed, and the said volunteers shall not be considered in actual service until thereunto specially ordered by the President. And they shall be entitled to pay or subsistence only for such time as they may be on duty under the orders of the President or by his direction.

SEC. 3. Such volunteer forces, when so accepted and ordered into service, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense," approved March sixth, one thousand eight hundred and sixty-one, and may be attached to such divisions, brigades, regiments, or battalions as the President may direct, and when not organized into battalions or regiments before being mustered into service the President shall appoint the field officers of the battalions and regiments when organized as such by him.

Approved August, 21, 1861.

†[Enclosure No. 2.]

AN ACT to authorize the formation of volunteer companies for local defense.

*The Congress of the Confederate States of America do enact,* That for the purpose local defense in any portion of the Confederate States, any number of persons not less than twenty, who are over the age of forty-five years, or otherwise not liable to military duty, may associate themselves as a military company, elect their own officers and establish rules and regulations for their own government, and shall be considered as belonging to the Provisional Army of the Confederate States, serv-

ing without pay or allowances, and entitled, when captured by the enemy, to all the privileges of prisoners of war; *Provided*, That such company shall, as soon as practicable, transmit their muster-roll, or a list of the names of the officers and privates thereof, to the Governor of the State, the commanding general of the department, or any brigadier-general in the State or Confederate service, to be forwarded to the Secretary of War; but the President or the commander of the military district may, at any time, disband such companies: *Provided*, That in the States and districts in which the act entitled "An act to further provide for the public defense," approved April the sixteenth, eighteen hundred and sixty-two, and the acts amendatory thereof, have been suspended, persons of any age, resident within such States or districts, may volunteer and form part of such companies so long as such suspension shall continue; *Provided*, That no person shall become a member of said company until he shall have first taken the oath of allegiance to the Confederate States of America in writing, a copy of which shall be filed with the muster-roll of said company as above prescribed.

Approved October 13, 1862.

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RICHMOND, VA., June 9, 1863.

HIS EXCELLENCY GOVERNOR JOSEPH E. BROWN,

*Georgia:*

MY DEAR SIR: Yours of the 25th ultimo reached me in due course, and has received special attention. I fully concur with you in the importance of affording

adequate protection against the predatory attack of the enemy to the railroads, work-shops, and depots of supplies situated in the western and northwestern portions of your State, and I shall cheerfully co-operate with you to the extent of my power and the means at my disposal in taking the best measures to defend them. I regret, however, that the pressing exigencies of the service at other points actually invaded or immediately menaced by the enemy will not permit that a regiment of cavalry should be detached from the armies in the field for the service which you suggest. But I think that the want may be supplied by the organization under the act of Congress authorizing the raising of troops for "local defense and special service" of a regiment of non-conscripts, whose muster-rolls would set forth the special service which it is intended they should perform, and who, when received into the service of the Confederate States, may be employed in conjunction with the State force for the purposes and in the manner recommended by you.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

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MILLEDGEVILLE, June 10, 1863.

HON. J. A. SEDDON:

I have this day received your letter of the sixth instant and will write you fully. I assure you of my readiness to do all in my power to the extent of my legal authority to carry out the President's views on the subject and to fill requisition. There is no law of this

State which subjects those over forty-five to draft; the acts of Congress of which you send copies do not. If there be an act that does please send copy. Under my proclamation of 26th of May past, many volunteer companies are tendering to me for local defense, and are receiving commissions from the State which they prefer. If the President will accept 8,000 men, infantry and cavalry, organized by the State into battalions, companies and regiments, and tendered for local defense, for six months, to receive pay and allowances only when on duty, and he can arm them, I think I can have them ready in August. If this is satisfactory say so by telegraph to save time, and instruct Confederate officers in the State to act in harmony with me, and not attempt to get up conflicting organizations, and I shall have strong hopes of my ability to fill the requisition.

JOS. E. BROWN.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, June 12, 1863.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Your assurance of co-operation is gratifying. Organizations under the law of the Provisional Congress are preferred, mainly because of their longer term of duration and greater adaptation for ready call on temporary service and then for dismissal to their ordinary pursuits. The militia called out for even a limited time

would be continuously in the field. Besides, militia corps, if they could be called out so temporarily, might be considered by the enemy as State troops, not in their construction entitled to exchange. If, however, the organizations under the act of Congress are not formed in adequate numbers, militia on the plan proposed by you or in the usual way will be accepted.

JAMES A. SEDDON,  
*Secretary of War.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

June 13, 1863.

HON. JAMES A. SEDDON,  
*Secretary of War:*

DEAR SIR: I received your communication of 6th instant on the 10th, and replied by telegraph, in which I stated that I would write you fully. I have your reply to-day to my telegram, and have sent you the inclosed dispatch by telegraph. While I am willing to do all I can, within the range of my constitutional and legal powers, to carry out the views of the President, I do not see how it is in my power to assist in raising the troops for local defense in any way only the one proposed in my first dispatch.

As I then stated, the laws of this State do not subject those over forty-five years of age to draft or militia duty, and I am not aware of the existence of any

act of Congress which does. Both you and I seem, therefore, to be powerless to compel the service of those over that age. If, then, you fail to get volunteers under the acts of Congress for local defense, and you make requisition upon me for troops, to be composed of men over forty-five, you call upon me for those whom the laws of this State have not placed at my command. If you insist on the volunteer companies being raised and tendered to you at Richmond and commissioned from your office, you cause much delay in the organization, and you place it out of my power to render **you** much assistance, as all I can do in that case is simply to invite our people to form such companies and report them to you. If, however, you will authorize me to say to the people of this State that you make requisition upon me now for 8,000 volunteers for local defense, to be organized into companies, battalions and regiments by the State and tendered to you as organized, and immediately mustered into Confederate service for six months, without pay or allowances except when on actual duty, and in no case to be called out of the State or the section of the State which they have volunteered to defend, without their consent, and only to be kept in service till the exigency has passed, and then permitted to return to their ordinary pursuits till another emergency may arise, I think I can fill the requisition, I will, in that case, attempt it with all the energy I possess. I trust you will at once see the reason why this plan is more practicable than the other. If I am called on to organize and tender the volunteers as organized, I can use all the State officers in getting up the organizations, and as soon as a company is complete I can have it mustered in before there is time for disagreement or dis-



banding, which would frequently occur before you could send a Confederate officer to muster them in, and they could get commissions from Richmond.

If this plan is agreeable to the President I also ask for authority to direct State officers to muster the companies into Confederate service as fast as ready. There are one hundred and thirty-two counties in the State, many of them remote from railroad, and it would cause great delay and expense to send off in every case for a Confederate officer to go probably seventy-five miles from a railroad to muster in a company, while I could order a State officer in the county to muster them in and send the company roll to me to be forwarded to you without expense.

Again, there are many difficulties that arise in organizing troops, where questions have to be referred to headquarters which could soon reach me and proper instructions could be given; but if they must be sent to you for direction at so great a distance from the company, with so many other pressing engagements, much delay and confusion must grow out of it. Again, I desire to submit a request that you appoint no Confederate officer in the State to get up organizations of this character while the requisition is upon me. If you call on me for the number of troops you need it is justice to me that I have the whole matter of the organization left in my hands till I fill the requisition. If you authorize Confederate officers in the meantime to come into the State to get up organizations independent of the State authorities, they naturally place themselves in antagonism to the State government, as they consider themselves its rivals in organizing troops, and conflict and confusion, if not ill-feelings, are the result. All

this I desire to avoid, and I trust you will agree with me that my request in this particular is reasonable. Already a few companies have been organized and tendered to the commandments of the different military posts of this State. All these I wish to have report to me, and let me include them in the number you ask for, and there is then order and system in the whole organization. I also wish to know whether the troops called for can be armed by you, or what number of arms you can furnish.

As you have referred to the subject of a draft, I will allude to that fact in my proclamation without saying whether there is State authority for it or not, as I think this may stimulate the volunteer spirit, as you seem justly to include. I shall delay my proclamation till I hear from you in reply to this letter unless your answer to my telegram of today (of which the inclosed is a copy) shall satisfy me that the suggestions herein contained are substantially approved by the President. If he is satisfied with this letter as the basis of the organization, and you will so say by telegraph as soon as you get it, I will proceed with the organization with the least possible delay. It may be necessary in getting up troops to accept those in the lower part of the State for the defence of that part, and those in the upper part for defence there and possibly some about the cities for the defence of their own place. Will this be approved by the President?

I would further suggest that I be permitted to include in the organization persons between forty and forty-five years of age till the President shall have ordered them to be enrolled as conscripts, when they are to be

dropped from these organizations. Many of them would be willing to volunteer, for the time, for home defence and I think it good policy to permit them to do so. As time is important, please answer promptly.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

[Inclosure.]

MILLEDGEVILLE, June 13, 1863.

HON. J. A. SEDDON,

*Secretary of War:*

As you call on me for 8,000 men, organized for local defence, to be reported to you and mustered into Confederate service for six months, I ask that the whole matter be left in my hands and that no Confederate officer be authorized to raise companies while the requisition is upon me, as this produces conflict and confusion. I shall require all companies in the State for local defence to report to me and will report the organization to you as fast as possible. With your sanction I will detail State officers to muster the companies into Confederate service as fast as organized, as I cannot always have Confederate officers at hand in every part of the State. Please answer by telegraph on both points.

JOSEPH E. BROWN.

I send you this dispatch fearing that the other copy may have miscarried. A prompt reply is necessary, as I cannot act till I hear from you.

Very respectfully, etc.,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, June 16, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.

The privilege of organizing companies for local defence, and of tendering them to the President for acceptance, is allowed to the people by the act of Congress. I am not authorized to restrict or deny it. If you will undertake to direct such organizations, and can thus obtain the whole number required in Georgia for the purpose explained, I will thankfully accept your aid, and from this time leave the matter in your hands for execution.

JAMES A. SEDDON,

*Secretary of War.*

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MILLEDGEVILLE, June 17, 1863.

HON. JAMES A. SEDDON,

*Secretary of War:*

If you will accept volunteers organized under the acts of Congress for local defence, and those organized by the State as tendered as explained in my letter of the 13th instant, which has or will reach you soon, for the same service and same length of time, I will give to all the choice of the two modes of entering Confederate service, and I would then hope to be able to fill the requi-

sition and if you will then put it all under my control in this State I will undertake to get up the number you ask for as fast as possible.

JOSEPH E. BROWN.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., June 19, 1863.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: I am gratified to receive by your letter of the 13th instant assurance of your desire to co-operate in securing for casual and temporary service the forces desired by the President for the defense of your State. With the mutual purpose of affecting this end in the speediest and most certain mode compatible with existing laws, I cannot doubt accord in the means of operating may be readily obtained between us. As I explained to you in my original letter, the organizations which it was thought would most effectually secure the ends proposed would be those under the act of Congress of 1861, for local defence and special service; but as these were purely voluntary, it was thought best to add to the motives for their formation the alternative of a call to the militia service, and thus to assure in any event the required force.

I regret to learn that no law of your State allows the calling out as militia any over the age of forty-five, as

I had hoped the announced purpose, in case of a deficiency in the proposed organizations to call on the militia, would have presented to almost every man in your State capable of [bearing] arms the choice between a volunteer organization and service in the militia, still, although in this respect the alternative of choice between the two modes of service will not extend as generally as was anticipated, the number of exempts, and those between the ages of forty and forty-five who, until called out by the President under the law of conscription, would be liable to militia duty, would, in your large and populous State, be sufficiently great to assure very nearly, if not quite, the force for which requisition was made on you. I do not doubt, therefore, that in the mode originally contemplated the number of men required might be obtained in organizations under the law of 1861, which, for the reasons mentioned in my letter, and since in my telegrams, are thought decidedly preferable to militia, or organizations on a basis similar to the militia, for a limited period of service.

As I have also explained in my telegrams, I have no power, even if I wished, to preclude the people from forming volunteer organizations under the law of 1861, and tendering them for service, which, when accepted, would exempt from the liability to militia call. It is not perceived by me, then, how I can or ought to prevent such organizations, and cast entirely upon the State authority the formation of corps for local defence. You will observe the call on you was not, in the first instance, for the force required as militia, but only for such number of militia as had not been met by the voluntary organizations. Thus the view strongly presented by you, that, as the call is made on you, the whole matter should

be committed to your discretion and control, loses much of its applicability and force.

The difficulties, delays and confusion you anticipate as arising from the organization of those volunteer associations under the auspices of the Department are not apprehended as likely to occur. The process of forming the organizations is very simple and familiar to your people as having been generally adopted in volunteering for the Provisional Army. There will be no occasion to send on to the Department here anything but the muster-rolls, duly authenticated, which, under the regulations to be issued, may be verified by a judge, justice, or colonel of militia. I think, with deference, the whole matter of prompt and easy accomplishment.

My sole purpose, however, is to secure the requisite force with the greatest facility and least delay, and if organizations of equal efficiency can be secured more readily by your executive action, I shall be happy to accord the supervision and direction to you. As far as organizations are voluntarily made under the law of 1861, by the action of the people, I must, of course, accept them; but, as I have informed you, I shall abstain from giving any further authority or permits to Confederate officers, and leave to you to encourage and arrange such organizations.

As far as I can gather your wishes, you prefer organizations under State authority and their acceptance as State troops. I do not deem it desirable, chiefly on account of the limited term of their proposed service engagement (six months), that they should be mustered and received as militia; but if you can organize State volunteer organizations of equal duration and equal lia-

bility to call for special service as emergency may demand and tender them for acceptance to the Confederate Government, they will be cheerfully accepted and put on like footing as constituting when in service part of the Provisional Army.

As you may have inferred from a previous passage of this letter, it is expected that men between forty and forty-five shall enter the proposed organizations; but should such be hereafter called out by the President they will be liable to be transferred or discharged and conscribed.

It is expected that as far as the men entering these organizations have guns or arms they shall use them, but we hope to be able to make up deficiencies in arms and accoutrements, and to supply ammunition when needed.

The limited resources of the Department will not allow me to promise with fuller assurance. Certainly all in the power of the Department will be done to render the organizations as complete and efficient in equipment as may be practicable.

With high esteem, very truly, yours,

JAMES A. SEDDON,

*Secretary of War.*



CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, June 26, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

SIR: Your communication of the 30th of May last has been received, and the consideration given to it required as well by the serious consequences of the claim of a right to fill the vacancy occasioned by the death of the lamented Colonel Slaughter, of the Fifty-first Georgia Regiment, by election, as by the earnestness and confidence with which the claim is presented. It appears from the muster-rolls filed in the Office of the Adjutant and Inspector-General that the Fifty-first Georgia Regiment was mustered directly into the Confederate service on the 4th of March, 1862, for three years or the war. The regiment was raised under the act of January 23, 1862, which authorized the President to call upon the several States for troops to serve for three years or the war; and a circular on the subject from the War Department of February 2, 1863, was addressed to the several Governors. By the tenth section of the act of April 16, 1862, commonly known as the conscription act, it is provided that all vacancies shall be filled by the President from the company, battalion, squadron, or regiment in which such vacancies shall occur by promotion according to seniority, &c. This provision was supposed to apply only to troops referred to in that act, but, as if to put the question at rest on this point, five days after, to-wit, on the 21st of April, 1862, Congress passed a general act providing that all vacan-

cies shall be filled by the President, &c., by promotion according to seniority, &c. It seems to me, therefore, that in accordance with this last Act all vacancies in volunteer organizations are to be filled by promotion according to seniority, &c., and that the vacancy referred to in the Fifty-first Georgia Regiment should be so filled, and not by election. The laws and regulations provide for a stringent investigation as to the fitness of an officer for promotion, to which he would be entitled by seniority if worthy; and, as you state that such promotion has been made of the officer entitled by seniority, it is presumed that he is worthy to fill the place. The act of the general announcing the promotion is in accordance with the laws of Congress, with the regulations and uniform usage of the service, and is approved by the Department. It is to be regretted that this difference of opinion should have existed, and that the expression of your views should have been given such direction as may possibly excite some dissatisfaction among the officers of that gallant regiment. It is hoped that upon a reconsideration you will concur with the views herein expressed.

With esteem, respectfully, yours,

JAMES A. SEDDON,  
*Secretary of War.*

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MARIETTA, GA., July 10, 1863.

HON. JAMES A. SEDDON,

*Secretary of War:*

DEAR SIR: I have the honor to acknowledge the receipt of your letter of 26th of June last in reply to my

letter claiming for the gallant Fifty-first Georgia Regiment the right to elect an officer to fill the vacancy of the late Colonel Slaughter, who was killed in battle and whose vacancy has been filled by the general in command by promotion, denying to the regiment the right of election. This action I consider in palpable violation of the plain constitutional rights of the regiment, and while I thank you for the courtesy of your reply, I must express both my surprise and mortification at your denial of the right of election to this regiment and others which entered the service as it did, and your announcement that the conduct of the general in refusing to permit the regiment to exercise this right, and assigning to it a commander by promotion without regard to the wishes of the troops, "is approved by this Department." You predicate this decision upon the act of Congress known as the conscription act and a subsequent act which provides that "all vacancies shall be filled by the President." I predicate my objection to the decision upon the Constitution of the Confederate States, which is of higher authority than any act of Congress, and hold that the acts referred to by you, so far as they deny to the State of Georgia the right to fill this and all similar vacancies, are in conflict with the Constitution, and therefore void and of no binding force. The sixteenth paragraph of the eighth section of the first article of the Constitution of the Confederate States declares that Congress shall have power "to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline pre-

scribed by Congress." By this paragraph of the Constitution the State of Georgia in plain language reserved to herself the appointment of the officers to command any part of her militia when employed in the service of the Confederate States; and by her own Constitution and laws she has provided that such appointment shall be made by election of those to be commanded by these officers and commission from the Governor, and that vacancies shall be filled in the same manner. By "the militia" I understand the Constitution to mean the whole arms-bearing population of the State who are not enlisted in the regular armies of the Confederacy.

I am aware that writers upon English law define the militia to be an organized body of troops, &c. That the framers of the Constitution did not intend to use the term in this sense is evident from the fact that they speak of the militia as in existence at the time they are making the Constitution, and give Congress the power not to make a new militia nor to organize that already in existence, but to provide for organizing the militia; in other words, to provide for forming into military organizations the arms-bearing people of the respective States. Had the Constitution given Congress the power to organize the militia without other qualifying words, it would have had the power to appoint the officers to command them, or to authorize the President to appoint them, as they cannot be organized without officers. The language is, however, very guarded. Power is given to Congress to provide for organizing that which was then in existence without effective organization—the militia or arms-bearing people of the States. When Congress has provided for the organization and the States have organized the militia, Congress may author-

ize the President to employ them, or part of them, in the service of the Confederate States; but in that case the States expressly reserve to themselves the right to appoint the officers to command them, and Congress cannot, without usurpation, exercise that power itself or confer it upon the President. But suppose I adopt the definition of the term "militia" insisted upon by those who differ from me; the result is the same. In our correspondence upon the constitutionality of the conscript act the President says: "The term 'militia' is a collective term, meaning a body of men organized."

In February, 1862, the President made requisition upon me under the act of Congress of 23d January, 1862, for twelve regiments of troops, to be employed in the service of the Confederate States. I proceeded under the laws in existence at the time to organize the regiments called for. The Fifty-first Regiment was tendered as one of the twelve, and with the other eleven, and several additional regiments which offered their services as volunteers, was accepted by the President as organized and officered by the State. This regiment when tendered was therefore an organized body of men taken indiscriminately from the arms-bearing people of the State, who tendered their services, and were accepted by the President as a body of men organized by the State, or as militia, according to his own definition. The right of the State to appoint the officers, which she does upon the election of those to be commanded, was distinctly recognized in the organization of the regiment. If the State possessed this right, then how has she lost it since? If it is her right to appoint the officers when the regiment is organized, how does she lose the right when the vacancy is to be filled? But the case does not

rest here undoubted as were the State's rights under the Constitution. Before this regiment and the others called for at the same time were formed, I wrote Mr. Benjamin, then Secretary of War, upon this question, that the reserved rights of the State and of her troops might be distinctly recognized to avoid any misunderstanding in future. In his reply of 16th of February, 1862, after the requisition had been made, and before the regiments were organized, Mr. Benjamin said: "I will add that the officers from the regiments called for from the State under the recent act of Congress are, in my opinion, to be commissioned by the Governor of Georgia, as they are State troops tendered to the Confederate Government." This opinion of the Secretary of War was communicated to the troops, and they were assured by me that they had the right to elect all the field and company officers by whom they were to be commanded while employed in the service of the Confederate States. With this assurance from the Secretary of War and the Governor of their State they volunteered and entered the Confederate service with the officers elected by them. Aside from this constitutional right, here was a fair contract between them and the Government, under which they entered its service and have nobly performed their part, and I deny that Congress possessed the power by any subsequent act to wrest from them this constitutional right, or that the Government, without a most unjustifiable breach of its plighted faith, can now deny to them the exercise of this right.

I beg to be excused for the use of strong language, which may appear to show too much zeal on my part in this cause. By the act of the Secretary of War I was made a party to this contract with the troops and my

action under it was ratified by the President when he accepted the troops organized under it, with officers elected by them, and I feel in honor bound to exert all the energy and power I possess to prevent the injustice which is being done to these gallant, self-sacrificing men. If the right is still denied it will be my duty to communicate the facts to the General Assembly of this State when again convened, and to ask them to take such action in the premises as will secure justice to their injured fellow-citizens and constituents and protect their plain constitutional rights.

You say you regret that "the expression of my views should have been given such direction as may probably excite some dissatisfaction among the officers of that gallant regiment." Much as I may regret to excite the dissatisfaction of the officers who may be unwilling to submit their claims to preferment to a fair vote to those whom they aspire to command, I cannot be silent when the rights of the regiment in the selection of its officers are no longer respected. But I cannot suppose that the dissatisfaction of any meritorious officer who treats his men humanely and has shown himself worthy to lead them in battle will be excited, as such an officer has no reason to fear the decision of the gallant troops with whom he has been long associated, and who are well acquainted with his character and his capacity to command them and protect their lives in battle. It can only be those officers whose chief claim to preferment rests upon their rank and the date of commissions, acquired by them when less known to the troops, whose dissatisfaction can be excited when the troops are informed that the Executive of their State claims that they shall be permitted to exercise what they believe to be their

constitutional right of election, and what they and their officers know was guaranteed to them when they entered the service. You say, further, that "the act of the general in announcing the promotion is in accordance with the laws of Congress, with the regulations and uniform usage of the service." I trust I have shown that the act of Congress, so far as it confers the right of appointment in this case upon the President, is a nullity, on account of its conflict with the Constitution, and it follows as a necessary consequence that any regulation of your Department carrying into execution that which is void is also unauthoritative. In reference to the uniform usage of the service, I can only remark that you labor under a very great mistake. I think it safe to say that a majority of the whole number of vacancies which have occurred in regiments in Confederate service from this State, which entered the service as did the Fifty-first, under requisition from the President, have been filled by election and commission from the State. There has been, therefore, no uniform usage in favor of your construction, but rather the contrary. I am informed that soon after the passage of the conscription act this question was raised in Colonel Benning's regiment, General Toombs' brigade, and was carried up regularly to the War Department for decision, and was decided in favor of the right of the State to appoint the officers to fill these vacancies, and against the right of the President to fill them by promotion. I am also informed that a case involving this very principle has been submitted to the Attorney-General for his opinion, and that his opinion sustains this right of appointment by the States in regiments tendered and accepted under the requisition of the President upon the



States for troops under the act of Congress aforesaid. If I am mistaken in either of these points I will thank you to inform me of the error, and what has been the decision of your predecessors and of the Attorney-General in cases similar to that now under discussion. Certain it is, within my own knowledge, that since the report of the decisions above referred to most of the Georgia regiments organized as this was, have exercised the right of election, and I have commissioned the persons selected, and they now have command under their State commissions and are recognized by their superior officers as entitled to the rank and command.

In conclusion, I must express my profound regret that you have felt it your duty to make a decision in this which in my opinion denies to the State the exercise of a right expressly reserved by her in the Constitution, and which does great injustice to the troops, not only because it deprives them of a legal right which they consider of great importance to them, but because it violates the express guaranty of this right under which they entered the service. Amidst the weight of cares and responsibilities by which you are surrounded I am induced to hope that your decision was predicated upon the act of Congress without having given that mature reflection to the constitutional question involved in the case which its importance demands, and that you were not aware of the understanding between me and the Secretary of War which I have mentioned above, and upon which the troops acted when they entered the service. I therefore most respectfully ask a reconsideration of this case, and trust I may soon have the pleasure to inform the gallant Fifty-first Regiment, and

all others organized as it was, that their right of election, which I consider so clear and they regard so valuable, is recognized and respected by the Confederate Government.

I am, with great respect, your obedient servant,

JOSEPH E. BROWN.

[First indorsement.]

July 21, 1863.

To assistant Secretary for consideration and conference.

J. A. S.,

*Secretary.*

[Second indorsement.]

ADJUTANT-GENERAL:

Please send me the muster-rolls of the Fifty-first Georgia Regiment.

J. A. C.,

*Assistant Secretary of War.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, July 14, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

The disasters at Vicksburg and Port Hudson render necessary the use of all possible means to protect your State. Can you not adopt measures to induce the array

of all of your arms-bearing population for the defense of the northern portion of Georgia?

JAMES A. SEDDON.

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WAR DEPARTMENT, C. S. A.,

RICHMOND, VA., July 18, 1863.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia, Atlanta, Ga.:*

SIR: I have the honor to enclose a copy of a letter from A. S. Montgomery, I found in the mail of a Federal steamer plying between New Berne and Norfolk, which was captured by our troops. You will perceive that it discloses a plan for a general insurrection of the slaves in the Confederate States on the 1st of August next, and while attaching no great importance to the matter, I deem it prudent to place Your Excellency in possession of the information.

With high regard and respect,

Your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

(Same to M. L. Bonham, Governor of South Carolina; T. O. Moore, Governor of Louisiana; H. Flanagan, Governor of Arkansas; Isham G. Harris, Governor of Tennessee; F. R. Lubbock, Governor of Texas; John Milton, Governor of Florida; John J. Pettus, Governor of Mississippi; John Gill Shorter, Governor of Alabama.)

[Inclosure.]

WASHINGTON, D. C., May 12, 1863.

(CONFIDENTIAL.)

GENERAL: A plan has been formed for a simultaneous movement to sever the rebel communications throughout the whole South, which has been sent to some general in each military department in the seceded States, in order that they may act in concert and thus secure success. The plan is to induce the blacks to make a concerted and simultaneous movement or rising on the night of the first of August next, over the entire States in rebellion; to arm themselves with any and every kind of weapon that may come to hand, and commence operations by burning all railroad and country bridges and tear up railroad tracks and destroy telegraph lines, &c., and then take to the woods, the swamps or the mountains, whence they may emerge as occasion may offer for provisions, and for further depredations. No blood is to be shed except in self-defense. The corn will be in roasting-ear about the first of August, and with this and hogs running in the woods, and by foraging upon the plantations by night, they can subsist. This is the plan in substance, and if we can obtain a concerted movement at the time named it will doubtless be successful. The main object of this letter is to state the time for rising, that it may be simultaneous over the whole South. To carry the plan into effect in the department in which you have command, you are requested to select one or more intelligent contrabands, and after telling them the plan and the time (night of the 1st of August), you will send them into

the interior of the country within the enemy's lines, and where slaves are numerous, with instructions to communicate the plan and the time to as many intelligent slaves as possible, and requesting of each to circulate it far and wide over the country, so that we may be able to make the rising understood by several hundred thousand slaves by the time named. When you have made these arrangements please inclose this letter to some other general commanding in the same department with yourself—some one whom you know or believe to be favorable to such movement—and he in turn is requested to send it to another, and so on until it has traveled the entire rounds of the department; and each command and post will in this way be acting together in the employment of negro slaves to carry the plan into effect. In this way the plan will be adopted at the same time, and in concert over the whole South, and yet no one of all engaged in it will learn the names of his associates, and will only know the number of generals acting together in the movement. To give the last information, and before inclosing this letter to some other general, put the numeral “I” after the word “approved,” at the bottom of this sheet; and when it has gone the rounds of the department the person last receiving it will please reinclose it to my address, that I may then know and communicate the fact that the plan is being carried out at the same time. Be assured, sir, that I will inform every department in the seceded States of the plan and time, that the movement may thus be general and simultaneous.

Very respectfully, your obedient servant,

AUGUSTUS S. MONTGOMERY.

NOTE—This letter may be sent to other departments farther south after having gone the rounds of yours, which will show to all that the plan is being generally adopted.

[Indorsement.]

Approved.

DEPARTMENT OF NORTH CAROLINA.

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BRITISH CONSULATE,

SAVANNAH, July 22, 1863.

HIS EXCELLENCY GOVERNOR BROWN,

Marietta:

SIR: My attention has been called to your proclamation\* and to General Wayne's General Orders, No. 16,† attached thereto, ordering a draft on the 4th of August of persons between the ages of eighteen and forty-five years, including british subjects, in each county which does not furnish its quota of volunteers to complete the number of 8,000 men required for home defense. I am informed that this force when organized is to be turned over to the Confederate Government. British subjects, if drafted, will then be forced to become Confederate soldiers, a position in which Her Majesty's Government have, since the commencement of the war, contended they ought not to be placed, and from which Her Majesty's consuls have been instructed to use every means at their command to preserve them. Her Majesty's Government acknowledges the right of a foreign State to claim the services of British subjects resident

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\*See Vol. II, Confederate Records of Ga., under date of July 17, 1863.

within its limits for the purpose of maintaining internal order (in other words, to act as a local police force), and even, to a limited extent, to defend against local invasion by a foreign power the places of their residence; but they deny the claim to services beyond this, and accordingly I have given advice in the following sense to British subjects who have applied to me on the subject of this draft: That militia duty is in general an obligation incident to foreign residence, and that therefore they must not object to render the service required so long as the law requires a militia organization for the maintenance of internal peace and order; but if it shall so happen that the militia after being so organized shall be brought into conflict with the forces of the United States without being turned over to the Confederate States so as to form a component part of its armies, or if it should be so turned over, in either event the service required would be such as British subjects cannot be expected to perform. In the first case, in addition to the ordinary accidents of war, they would be liable to be treated as rebels and traitors and not as prisoners of war; and in the second case they would be under the operation of a law (requiring them to take up arms against the United States Government) which had no existence when for commercial purposes they first took up their residence in this country, and would, moreover, be disobeying the order of their legitimate sovereign, which exhorts them to an observance of the strictest neutrality and subjects them to severe penalties. For all local service, however, short of the service I have endeavored to describe, I have advised them that the militia organization is lawful, and should be acquiesced in by resident British subjects. Nearly all British sub-

jects have besides taken an oath that they will not, under any circumstances, take part in the contest now raging in this country by taking up arms on either side. I hope, sir, you will therefore so modify the general order in respect of British subjects who have certificates from me as to release them from a position which, in the event of a draft, will certainly render them liable to all the penalties denounced by their own sovereign against a violation of their neutrality, calling upon them at the same time to render service as local police for the maintenance of internal peace and order. On a former occasion Mr. Molyneux advised you that the consulate was placed under my charge during his absence. I recently submitted my authority to act as Her Majesty's consul to Mr. Benjamin, who duly accorded to me his approval and recognition.

I am, sir, your most obedient servant,

A. FULLERTON,

*Acting Consul.*

†[Enclosure.]

ADJ. AND INSP.-GENERAL'S OFFICE,

MILLEDGEVILLE, July 17, 1863.

GENERAL ORDERS

No. 16.

The commander-in-chief having heard with regret that some of the counties in this State have not made



preparations to respond to his call for 8,000 men under the late requisition of the President for home defense, orders:

1. That the commander of each regiment and independent battalion of the militia of this State, in each county that has not filled the requisition made upon it, order every man under his command who is between eighteen and forty-five years of age to assemble at the regimental or battalion drill ground on Tuesday, the 4th day of August next, and that at eleven o'clock on that day he form them into line and read, or have read, the Governor's proclamation of this date and this order, after which he will invite them to volunteer to the number required of the county. If they refuse to volunteer, then he will proceed to draft the number required of the county by placing in a hat the names of all persons within the limits of his command, of the ages aforesaid who are not in the actual military service of this State or Confederate States, or in one of the companies formed or forming under this call, whether they are present or not. And he will cause to be drawn out of the hat indiscriminately, one-third more names than will fill the requisition, to take the places of such as may be drawn among the number required who are not able to do service. No one will be discharged, however, who cannot satisfy the commanding officer that he is unfit for as much as two weeks' active duty at one time. When the number is full, the last names drawn which are over the quota, after those unfit for service have been deducted, will be dropped from the list, having with the number who have volunteered the quota required.

2. When there are two regiments or independent

battalions in a county, the commanding officers will meet prior to the day fixed for draft and agree, if they can, what part of the quota each is to furnish. If they cannot agree, each will draft the number required, if he has so many, and when the names are returned to headquarters with facts the number will be apportioned by returning such part of the men drafted by each as will equalize the burden and fill the quota. The fact that a person within the ages mentioned is not from any cause subject to be taken into active service as a conscript does not exempt him from draft by the State for home defence. If he has procured a substitute or has procured an appointment under some Confederate officer having but little duty to do, to keep him out of conscription, or if he is an unnaturalized foreigner and is living under the protection of our Government and laws, in these and all like cases he is bound to defend his domicile, and liable to be drafted by the State and compelled to do so.

3. When the number drafted is not sufficient with the volunteers in the county to form a company, their names will be sent to these headquarters and they will be distributed among such companies as may be most convenient.

4. As the law of Congress prohibits the President from ordering the troops organized under this call out of the State without their consent, and authorized them in their muster-rolls to prescribe the limits within which they are to serve, all volunteers will be accepted with this privilege, provided they will in each case prescribe a reasonable boundary within the State, not more than one-fourth of its territory, which they will engage to help defend. All companies formed of operatives in factories

or workmen in Confederate or State machine shops, or other railroad employees, and all persons engaged in the manufacture of iron, if they can form a company of forty-four men, may limit their service in their muster-rolls to the particular locality of their employment, and they will be accepted for such local defence and in no case ordered out of the county without their consent.

5. Neither ministers of religion, telegraphic operators, justices of the inferior court, nor county agents charged with the duty of relieving the necessities of soldier's families, not exceeding two of the latter to each county, will be drafted under this order for home defence.

HENRY C. WAYNE,

*Adjutant and Inspector-General.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., July 25, 1863.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia:*

Your letter of the 10th instant has been received. The difference between yourself and this Department upon the subject of the right of the Fifty-first Georgia Regiment to elect their officers depends upon the fact whether this regiment composes a part of the militia of the State of Georgia. If the regiment be a portion of the militia "employed in the service of the Confederate States" the appointment of the officers is reserved to the State;

otherwise not. The company muster-rolls of this regiment on file in the office of the Adjutant and Inspector-General are entitled "Muster-roll of Captain ———'s company in the Fifty-first Regiment of Georgia Volunteers, commanded by Col. William M. Slaughter, called into the service of the Confederate States in the Provisional Army under the provisions of the act of Congress, by Governor Joseph E. Brown, from the 4th of March, 1862 (date of the muster), for the term of three years, unless sooner discharged," and the muster corresponds with this title. This shows that this regiment was composed of volunteers who were enlisted as a part of the Provisional Army of the Confederacy under the supervision of the Governor of Georgia.

The legislation of the Confederate States will very clearly exhibit that troops of this description have not been regarded as belonging to the militia. By the Act of February 28, 1861, to raise provisional forces for the Confederate States of America, the Congress enacted:

That to enable the Government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defense, the President be, and he is hereby, authorized and directed to assume control of all military operations in every State, having reference to or connection with questions between said States, or any of them, and powers foreign to them.

The third section of the act is—

That the President be authorized to receive into the service of this Government such forces now in the service of said States as may be tendered, or who may

volunteer, by consent of their States in such numbers as he may require, &c.

The fourth section is—

That such forces may be received with their officers by companies, battalions, or regiments, and when so received shall form a part of the Provisional Army of the Confederate States, according to the terms of their enlistment and the President shall appoint, by and with the consent of Congress, such general officer or officers for said forces as may be necessary for the service.

The fifth section provides—

That said forces, when received into the service of this Government, shall have the same pay and allowances as may be provided by law for volunteers entering the service, or for the Army (Regular) of the Confederate States, and shall be subject to the same rules and government.

Your Excellency must perceive that the Fifty-first Georgia regiment stands upon exactly the same footing as the troops tendered by the States or volunteering under this Act, and that this Act contains not the slightest intimation that the troops received under it were received as State militia. There is a direct provision that a portion of the officers shall be appointed by the President.

The act of Congress of the 6th of March, 1861, authorizes the President to employ the militia, military and naval forces of the Confederate States and to ask for and accept the services of any number of volunteers not to exceed 100,000, &c. The fifth section of that act permits the President to accept the services of the vol-

unteers in companies, squadrons, battalions and regiments, whose officers shall be appointed in the manner prescribed by law in the several States to which they shall respectively belong. But when inspected, mustered and received into the service of the Confederate States said troops shall be regarded in all respects as a part of the Army of said Confederate States according to their respective enlistments.

The President was authorized to organize the companies into superior organizations at his discretion and to appoint brigade and division officers. It was supposed that these volunteers would be raised through the different States, for by the act of the 11th of May, 1861, he was authorized to receive volunteers directly without the formality and delay of a call upon the States. In this act there is a broad discrimination made between the volunteers and militia, and the terms of the act forbid the conclusion that the volunteers obtained through the instrumentalities of the States were to be regarded as militia "employed in the service of the Confederate States." The act of the 23d of January, 1862, under which the Fifty-first Georgia Regiment was called into the service, has immediate relation to the act of March, 6, 1861. The object of that act was to obtain from the States the complement of the troops authorized by the act of March, 1861, by appointment among them and requisition upon their public authorities. The conditions upon which the troops were to enter the service were prescribed in that act. These were that "the said troops shall be regarded in all respects as a part of the army of the Confederate States according to the terms of their respective enlistments," and as before shown they were mustered into service conformably to these conditions.

Forming as they did a part of the army of the Confederate States, they became subject to the authority of Congress, who were authorized by the Constitution "to makes rules for the government and regulations of the land and naval forces." Among the rules and regulations proper on this subject are those relating to the selection and promotion of officers.

The Act of Congress of March 6, 1861, provided for the organization of the volunteer troops then called for by adopting the State regulations. The acts of the fourth session of the provisional Congress (Acts of December 11, [1861] January 22, and January 27, 1862) provided a rule of promotion in regard to a portion of those troops who were about to re-enlist. The Acts of the 16th of April, 1862, and 21st of April, 1862, made a rule applicable to the entire Provisional Army, and this rule was repeated in the Act of October 13, 1862. The conscription Acts of April and October have been the source from which the army has been recruited for more than fifteen months. It is probable that one-half of those who now compose the Fifty-first Georgia Regiment have come into it through the agency of these Acts. This regiment and others accepted under the same conditions are regarded by the Department since their acceptance by the Confederate States as a part of the Provisional Army, and therefore to be recruited by the agency of the Confederate States. The rule of promotion prescribed by Congress is one uniform in its operations; was adopted after the experience and observation of a year, and clearly embodies the judgment of Congress as the mode best calculated to insure the selection of competent officers. It is unnecessary in this inquiry to undertake a definition of what the meaning of the term militia is.

Neither the Acts of Congress of the United States prior to the separation of the Confederate States nor the Acts of Congress of the Confederate States have regarded as militia volunteers who have come into the service of the Federal Union or the Confederate service to form a portion of the army upon which they rely for the common defense, and it would be difficult, in the opinion of this Department, to assign a meaning to the term that would properly embrace such troops.

The postscript to the letter of Mr. Benjamin of the 16th of February, 1861, quoted by you, seems to refer to the original organization of the troops prior to their muster and before their acceptance into the Confederate service; and the practice since their acceptance, if inconsistent with the opinions expressed in this letter, was probably a transient or casual toleration of an existing opinion without a full consideration of the import of the legislation of the Congress of the Confederate States. After a careful consideration of that legislation I do not feel that I have any authority to dispense with its conditions, however agreeable it might be to conform to the wishes of those who have maintained this opinion. Notwithstanding my deference to the views of Your Excellency, I must conform my official action to what I conceive the clear mandate of the law.

With high esteem, very respectfully yours,

JAMES A. SEDDON,

*Secretary of War.*



MARIETTA, August 8, 1863.

MR. A. FULLARTON,

*Acting Consul of Great Britain :*

DEAR SIR: Your letter of 22d of July reached these headquarters during my absence, which has caused delay in my reply. Judging from your communication, I am obliged to conclude that you have not correctly understood the objects of the Government in organizing the 8,000 men for home defense. You admit the right of the State to claim the services of British subjects resident within its limits for the purpose of maintaining "internal order," and even to a limited extent to defend the places of their residence against local invasion by a foreign power. In view of this correct admission on your part, I do not deem it necessary to quote authority to show the obligation of Her Majesty's subjects to render the service now called for. To maintain "internal order" and to defend to a limited extent "against local invasion by a foreign power" are the sole objects of the proposed military organization. While the men are to be mustered into service for the purpose of affording them the rights and privileges of prisoners of war in case of capture by the enemy, and to enable the Government to command them without delay in case of sudden emergency, it is not proposed to take them from their homes, or to interrupt their ordinary avocations unless it is in a case of sudden emergency, or pressing necessity for the defense of their homes, or such localities as command their homes, when in the hands of the enemy. The Government of the United States, in violation of the usages of civilized warfare, is now resorting to every means within its power to incite servile insurrection in our midst. It

is not only selling slaves, which are private property, or taking them by open robbery, mustering them into service and arming them against us, but it is doing all it can by secret agencies to stir up and excite the angry passion of the mass of ignorant slaves in the interior, whom it can neither reach by theft nor robbery, to cause them to rise in rebellion against their masters, with whom they are now comfortable and happy, and to set fire to our cities, towns, villages and other property. It is needless for me to add that in case they should be successful in inciting insurrection to this point the butchery of helpless women and children will doubtless be the result. As a means of accomplishing this object, as well as of destroying public and private property, the enemy is now preparing to send cavalry raids as far as possible into this and other States of the Confederacy. These robber bands will, no doubt, burn and destroy property where they go, carry off as many slaves as they can, and attempt to stir up others with whom they come in contact to insurrection, robbery, and murder. It is not expected that 8,000 men called for by my proclamation and the general order to which you refer will be used against the regular armies of the United States.

The provisional armies of the Confederate States have shown themselves fully able to meet the enemy upon a hundred battlefields, and to drive them back with severe chastisement wherever they have not had the advantage of their navy as a support. But it is expected that this home organization, while it may be but little of its time in actual service, will, in case of sudden emergency, assist in repelling the plundering bands of the enemy which evade contact with our armies and make predatory incursions to our very homes for the purposes already men-

tioned, and that they will assist in suppressing any servile insurrections which these plundering parties may be able to incite. Many who claim to be Her Majesty's subjects in this State are large slaveholders, whose danger of loss of property and of insult and cruel injury to their wives and children, in case of insurrection, is as great as the danger to the citizens of this State, and their obligation to protect their property and their families against the local aggressions of the United States forces is no less. While Her Majesty's Government has constantly refused to recognize the existence of the Government of the Confederate States, her subjects have enjoyed its protection, and while she refuses to hold any diplomatic relations with us, you, as her representative, are permitted to represent her interests here and to be heard for the protection of her subjects and their property. In this state of things British subjects who still elect to remain in the Confederacy should not expect to do less than the service now required of them; and while free egress will in no case be denied them should they desire to depart from this State, less than the service now required will not in future be demanded, in case they choose to remain in the State and enjoy its protection.

Experience has convinced the Government at Washington of its inability by armed force in the battle-field to combat Southern valor and compel us to submit to its despotic tyranny. It has therefore, in connection with that above mentioned, adopted the further policy destroying agricultural implements, mills and provisions, wherever its armies penetrate into our country, with a view of effecting by starvation that which it can not accomplish by the skill and courage of its troops. As a further auxiliary to the accomplishment of this object it

drives from the territory overrun by its armies the men, women, and children who are true to the Government of their choice, and compels them to seek safety and support in this and other interior States. It thus taxes the productions of the interior States with the support not only of their own population and the armies of the Confederacy, but of a large number of refugees.

With the blessings of Divine Providence, which, thanks to His name, have been so abundantly showered upon us, we are, by abandoning the culture of cotton, making ample supplies for another year. While we are surrounded by such an enemy the British Government can not fail to see and appreciate the reason why we can not afford to retain and protect among us a class of consumers who produce none of the necessities of life and who refuse to take up arms for interior and local defense, but claim the privilege of remaining as subjects of foreign powers, engaged in commercial pursuits, in ports with which their Government recognizes no legal commerce. But you insist that there was no law in existence requiring British subjects to take up arms against the United States Government when for commercial purposes they first took up their residence in the country. You must not forget, however, in this connection, that at the time the State of Georgia was, by her own sovereign consent, a component part of the Government of the United States, and that since that time she has, for just cause, withdrawn her consent to further connection with the aggressive States of the North, and now, with her Southern sisters, forms the Government of the Confederate States, against which the States which remain united under the name of United States are waging a cruel and unjust war. With this change in the political

relations of the country new obligations are imposed upon the subjects of foreign powers resident within this and other Southern States, which make it their duty to aid in the maintenance of internal order and in the protection of their domiciles and the localities where they are situated when assailed by the troops of the United States Government, or to depart from the States and seek protection elsewhere.

Again the commercial reasons which you say caused Her Majesty's subjects to take up their residence here ceased to exist when Her Majesty's Government refused longer to recognize the existence of legal commerce between her subjects and the citizens of this State, and warned them of the loss of her protection if they attempted to carry on commercial relations with us through our ports. At the time English subjects took up their residence among our people for commercial purposes our ports were open to the commerce of the world, and foreign governments which had commercial treaties with us had a right to claim for their subjects engaged in commerce the usual commercial privileges and protection while domiciled here.

Now, the Government of the United States claims that it has our ports blockaded; and while the whole civilized world knows that the blockade is not effective, and that vessels enter and clear almost daily at our ports, the Government of Her Majesty chooses to recognize it as a legal blockade and to acquiesce in the paper prohibition which excludes English subjects with their commerce from our ports. If the British Government adopts the pretensions of the Government of the United States and holds that Charleston and Savannah are still ports belonging to the

United States, it must be admitted that the blockade of these two ports by the United States Government is a palpable violation of the commercial treaty stipulations between the two Governments, as the United States Government has no right under these treaties to blockade her own ports against English commerce. If tested by the laws of nations, to which the British Government is a party, it is no blockade, because not effective. Under these circumstances, if the Government of Her Majesty consents to respect the orders of the United States Government, which forbids British subjects to enter our ports for commercial purposes, that Government has no right, while this state of things continues, to claim commercial privileges for its subjects within the ports where it admits the existence of a legal blockade; but it must expect those subjects to depart from these ports, and if they refuse to do so it has no just cause of complaint when the Government having possession of these ports compels them to take up arms to defend their domiciles against servile insurrection or the attacks of the troops of a hostile power.

I learn from your letter that “nearly all British subjects have taken an oath that they will not, under any circumstances, take part in the contest now raging in this country by taking up arms on either side.” In reply to this, permit me to remind you that no such self-imposed obligation can free the subjects of Her Majesty who choose to remain in this State from the higher obligation which, by the laws of nations, they are under to the State for protection while they remain within its limits.

While I beg to assure you that it is the sincere desire

of the Government and people of this State to cultivate the most friendly relations with Her Majesty's Government and people, I feel it my duty, for the reasons already given, to decline any modification of the order to which you refer in your communication.

With high consideration and esteem, I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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MARIETTA, GA., August 10, 1863.

HON. JAMES A. SEDDON,

*Secretary of War:*

DEAR SIR: General Pillow has read to me his statement to you, with the indorsement of General Bragg and the letter of Governor Harris. While I do not entirely concur with the General as to the capacity of Georgia to fill up her regiments, I am satisfied that much may be done by energy, activity and the use of a sufficient force. One objection to the present system is that the local enrolling officers too often have their personal favorites and are too often influenced to neglect duty and leave men not enrolled who are subject. The plan suggested by General Pillow removes the difficulty to a great extent by sending into such localities men to enforce the Act who are not subject to the local influences which often control local enrolling officers. Again, there is a considerable army of refugees in this State and a large number of persons detailed to work at different occupations which could be as well attended to by persons not subject to

conscription. The present system does not seem to reach either of these classes; the system proposed would, I trust, reach both.

While my views of the conscript Act are well known to you and have undergone no change, the law has been acquiesced in by this State, and as that is now the plan adopted by the Government to recruit the army, I am quite sure if we expect to save the country from ruin it will become necessary to execute it or some other system with more energy and activity than has heretofore been employed. Our position would seem to be a critical one, and I fear that nothing short of early and heavy re-enforcements to the army can save us from the most unfortunate calamity which can befall a people. There are now vast numbers of stragglers who are not arrested by the present enrolling officers, and the evil seems to be increasing daily.

So far as I am able to learn the paroled men who lately composed Lieutenant-General Pemberton's army, whether justly or not, have so completely lost confidence in him that but a small portion of them will obey his call and return. If they are again to be commanded by him it will be necessary to adopt means to get them back, and I fear great difficulty in its accomplishment. It may be deemed inappropriate for me to allude to this. My excuse is that the condition of the country is such as to require the utmost frankness, and as I know the fact to which I allude to exist, and feel satisfied that without the return of these men to duty we are in extreme peril, I feel that I should not discharge a duty which I owe to you and to the country were I not to communicate it. I have no charge to make against General Pemberton. He



may be a good General. But as I have seen a great many of the officers and men who were under him at Vicksburg and have conversed freely with them, and have never yet found a single one of them who has confidence in him, I feel that the Government ought to be advised of the existence of a fact known to and regretted by the whole country. Without some change to inspire the troops with confidence, General Pillow, or any one else who attempts to carry them back, will need a heavy and an active force.

Trusting that such measures may be adopted as will fill up our depleted ranks in the shortest time possible,

I am, very truly yours, etc.,

JOSEPH E. BROWN.

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BRITISH CONSULATE,

SAVANNAH, GA., August 17, 1863.

HIS EXCELLENCY, GOVERNOR BROWN,

Marietta:

SIR: I have the honor to acknowledge receipt of Your Excellency's letter of the 8th instant. I perfectly understood the intentions of the Government in organizing the force of 8,000 men for home defence, but I am obliged to conclude that you have misunderstood me when I admitted the right of a State to claim the services of British subjects resident within its limits for the purpose of maintaining internal, and even to a limited extent to defend the places of their residence against local invasion by a foreign power. Such service might be ren-

dered by them in the event of a war by a foreign power, but not in a civil war like that which now rages on this continent. Her Majesty's Government considers that the plainest notions of reason and justice forbid that a foreigner admitted to reside for peaceful purposes in a State forming part of a Federal union should be compelled by that State to take an active part in hostilities against other States which when he became a resident were members of one and the same confederacy. While acknowledging the right of a State, under present circumstances, to the services of British subjects for patrol or police duty, Her Majesty's Government objects to any further extension of such service. I have consequently, under instructions felt myself compelled to advise those drafted to acquiesce in the duty until they are required to leave their immediate homes or to meet the United States forces in actual conflict; in that event to throw down their arms and refuse to render a service the performance of which would run directly in the teeth of Her Majesty's proclamation and render them liable to the severe penalties denounced against a violation of the strict neutrality so strongly insisted on in that document, trusting to my interference in their behalf with the Government at Richmond under whose command they will be. In other States British subjects imprisoned for following this advice have already been discharged from custody and service by order of the War Department.

Your Excellency is pleased to inform me that with the change in the political relations of the country new obligations are imposed on the subjects of Her Majesty resident in the South. I do not see why this should be so, seeing that they, by reason of their being aliens, had no voice whatever in the councils which brought about the

present state of affairs. With regard to the protection afforded by the State to an alien, it appears to me to extend a little beyond the safety of life, a guaranty which every civilized community for its own sake extends to every sojourner in their midst. You need not be told that the law of Georgia forbids an alien to hold certain kinds of property, and I can not see how a thing can be protected which is not suffered to exist. I have nothing to do with British subjects who hold such property in violation of law, but I do protest against the compulsory service in a civil war of those who have never contravened the law in this respect. It is satisfactory to know that the option of leaving the country is allowed to British subjects, and that no obstacle will be thrown in the way of those who prefer to do so rather than violate the Queen's imperative orders by meeting in warfare the United States forces. If compelled to take this course, however, I may be permitted to say that the comity usually observed between foreign States is not very scrupulously observed. I have reason to know that many who have not hitherto been molested are, in consequence of Your Excellency's proclamation, preparing to leave, not a few among them being mechanics worth little or no property, of whose inestimable services at this crisis the Confederacy will be deprived. Am I to understand that those already drafted may avail themselves of this alternative? The dispatches which I have received from the British Government relative to compulsory services are strong.

I am instructed to remonstrate in the strongest terms against all attempts to force British subjects to take up arms. Should these remonstrances fail, "the governments in Europe interested in this question will unite in

making such representations as will secure to aliens this desired exemption." It has hitherto been in my power to report to Her Majesty's Government that her subjects have not been called upon to take up arms in this war. I regret that Your Excellency's decision makes it impossible to do so hereafter, the more so as the course pursued contrasts so strongly with the conduct of the United States Government, who have conceded the claim of bona fide British subjects to exemption of any military service whatever, and also with that of the Governors of other Southern States who, upon representation, ordered the discharge of British subjects forcibly detained in service.

I am, sir, your most obedient servant,

A. FULLARTON,  
*Acting Consul.*

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MARIETTA, August 21, 1863.

HON. JAMES A. SEDDON,

*Secretary of War:*

DEAR SIR: I have to acknowledge receipt of your letter of 25th July and to express my regret that I have been disappointed in what I considered a reasonable expectation that upon a review of the question you would permit the Georgia troops, to whom our correspondence refers, to exercise the right of electing their officers.

It does not seem to me that the constitutional objection which I make to the act of Congress which deny to the troops the right of election and give to the President

the power to appoint the officers to command them is successfully met by additional quotations from the acts of Congress to show the intention of Congress. I have not called its intention into question, as I think it quite clear that it intended to confer the appointing power upon the President, but I have called in question its right under the Constitution to do so. With all due deference, I cannot see how the power of Congress to pass a statute can be established by quotations from the statute showing what Congress did enact, but not what its powers were.

I cannot admit that the distinction which you attempt to draw between volunteers and militia has any substantial foundation in law or fact, or that the length of time for which they are called into service affects the question. It is very clear from the letter of the Constitution that the militia of a State may "be employed in the service of the Confederate States," in which case Congress has power to provide for governing them, but even this power is made subject to the right of the State to appoint the officers to command them. It matters not what Congress may choose to call the arms-bearing people of the State, who in fact are her militia. When Congress asks the State to permit the President to employ them in the service of the Confederate States, and he makes requisition for them and the State organizes and tenders them, they may be called the armies of the Confederacy or the Provisional or Regular Army, or by any other name which Congress may adopt, but neither their existence, their identity, nor their character is changed by the name. The arms-bearing people of a State are her militia, and when the President, under the authority of the act of Congress, makes requisition upon

the Governor of a State for them to repel an invasion, and they are tendered as organized and officered by the State and accepted with their State officers and State organizations, they are, without regard to the terms used by Congress to designate them, the militia of the State "employed in the service of the Confederate States," nor does the fact that the State tenders them as drafted men or as volunteers or for a longer or shorter term affect their character or their identity. Suppose a State is invaded or there is a sudden insurrection, and the President, by virtue of an act of Congress, requires the Governor to call out the whole militia of the State for ten days to repel the invasion or suppress the insurrection and every man in the State volunteers, does the fact that they are not drafted, but volunteer, destroy their character of militia and convert the whole militia of the State into an army of the Confederacy, and thereby give the President the power to appoint all the officers and take from the State this right which she has carefully reserved in the Constitution? If not, how is the principle changed in case the call is for one month, one year, or three years, instead of ten days? When thus tendered by the State, for what length of time must they "be employed in the service of the Confederate States" before they lose their character of militia of the State, and how long must they serve before the President may, without usurpation, deny to the State her reserved right to appoint the officers and assume to do it himself? Must it be for one month, one year, two years, three years, or what other period?

Under the act of Congress the President called on me as Governor of this State for troops to serve for twelve months. They were furnished, and the State's right to

appoint the officers and to fill all vacancies was never questioned. Other calls were made for troops to serve for three years. These were promptly responded to, and among others the Fifty-first Regiment was tendered and accepted, and the right of the State to appoint the officers expressly admitted upon the record, with no qualification and no denial of her right to fill vacancies. Again the President has lately, through you, made requisition upon me for 8,000 troops for six months for home defense, to be used in case of emergency and in repelling raids, etc. These men are expected to be most of their time at home, attending to their ordinary business of producing supplies, etc. But the act of Congress says when they volunteer and are accepted they shall form part of the provisional armies of the Confederate States. It will take nearly all the men remaining in the State between eighteen and forty-five to fill this last requisition. Part of them will be volunteers and part drafted men. Now, if all these six-months' men, twelve-months' men, and three-years' men have been converted into armies of the Confederate States in the sense in which the Constitution uses the term (I do not mean the sense in which Congress uses it), and no part of them are militia "employed in the service of the Confederate States," what has become of the militia of Georgia? Nearly the whole arms-bearing people of the State between eighteen and forty-five are in the service of the Confederate States, the larger number of them organized by the State and tendered to and accepted by the Confederate Government with their officers appointed by the State, and you now deny that any part of the militia of Georgia are "employed in the service of the Confederate States," or that the State has the right to appoint a single officer to com-

mand them. Again I ask, How did Georgia get rid of her militia, and where are they?

They are, in fact, all employed in the service of the Confederate States. She has expressly and carefully reserved the right, when they are thus employed, to appoint all of the officers to command them. You do now so employ them, but you deny her right to appoint even one of the lowest officers who is to command them, and you justify this by quoting from the acts of Congress to show, not the power to take from the State this plain constitutional right, but that it was its intention to do it. I have never denied the intention, but I can never admit the power. I look upon it as a clear usurpation, which finds no justification either in the Constitution or in the plea of necessity which is usually resorted to in such cases.

In my last letter I referred to the opinions of your predecessors in office, and of the Attorney-General, which are all reputed to concur in the view I take of the question, and requested you to correct the error if I had fallen into one, and to inform me what had been their ruling upon this point. As your reply passes this part of my letter in silence, I understand the fact to be admitted that I am fully sustained in the view I take of the rights of the State by the opinion of the Attorney-General and the opinions and practice of the different distinguished gentlemen who have successfully filled the position you now occupy. I deeply regret that you have felt it your duty to over-rule the opinions of such able and distinguished statesmen as those just mentioned upon a question involving a principle so vital to the rights and sovereignty of the States, when the denial of these rights



of the States can only increase the power and patronage of the President, but cannot, for the reasons given in my former letter, result in practical benefit to the public service. If your process of reasoning be correct, that the right of the States to appoint the officers no longer exists, when it can be shown by reference to the acts of Congress that it intended to confer this power upon the President, then the Constitution is of no binding force and Congress has power, by the use of a term or change of a name, to abrogate the most sacred rights of the States and confer them all upon the President. But I need not trouble you with further remarks, as I perceive your decision is made up, doubtless, after conference with the President, and it is determined that you shall enforce your construction. The President has the power in his own hands, and I am obliged for the present, reluctantly, to acquiesce in what I consider a great wrong to thousands of gallant Georgia troops and a palpable infringement of the rights and the sovereignty of the State.

I will only add that this letter is intended more as a protest against your decision than as an effort to protract a discussion which it seems can be productive of no practical results.

I am, dear sir, very respectfully, your obedient servant,

JOSEPH E. BROWN.

AUGUSTA ARSENAL, August 24, 1863.

HON. J. A. SEDDON,

*Secretary of War, Richmond.*

SIR: I have been requested by the companies raised at this place for local defense, several of whom forwarded their muster-rolls to the Governor of this State, to ascertain if such action places them on a different footing from those whose rolls pass through my hands direct to the War Department. The Governor of Georgia made a call on the State for the local troops required by the President, requiring the companies thus formed to forward their muster-rolls to his office at Milledgeville, whence commissions would issue by him and the complete organizations then turned over to the Confederate service. This call of the Governor states that forty-four rank and file would be received as a company, and many having this number or something beyond it tendered their services accordingly. Under General Orders No. 86,\* Adjutant and Inspector-General's office, current series, each company is required to have (foot) not less than sixty-four rank and file. This difference between the State call and the orders above alluded to causes a detention in the organization for the defense of the city, it not being clearly understood how far the Governor's authority in the premises extends, and whether it be intended that all the muster-rolls should pass through my hands or through the Governor's. I have stated to the parties that the companies who have tendered their services through the Executive of the State would be

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\*See enclosure, Seddon to Brown, Dec. 13, 1864.

accepted by the Government whenever the number reached that prescribed in General Orders No. 86; but I could not state what would be the course of action on those of a less number. The Governor has commissioned the officers of several of the companies accordingly who have forwarded their muster-rolls to his office, whilst others have sent their rolls to this office. Will all the officers be recommissioned by the Confederate Government, or is it expected that the Governor should commission them alone? Also, will the companies of this city and vicinity all be received into the Confederate service on the same footing which have been raised under the act for local defense? That is, shall those first organized and drafted under the call for 8,000 men from Georgia, and raised in the city of Augusta, and its vicinity, be included into the local force raised here in addition thereto? As they constitute an important portion of the local force for the defense of this city, it is very desirable that they be considered as a part of the local force for its special defense, and hence received on the same terms as the others to be retained at Augusta, and not subject to be ordered to other places. The commissions issued by the Governor appear to be State commissions requiring the officers to be subject to his orders, if I understand them properly, although mustered for Confederate service.

Very respectfully, your obedient servant,

GEO. W. RAINES,

*Colonel, Commanding.*

ATLANTA, August 24, 1863.

HIS EXCELLENCY JEFFERSON DAVIS,

Richmond, Va.

Major Cummings has shown me the substance of his report to the Commissary-General. May I beg you to call for and read it. There are a great many wild cattle in lower Georgia. Florida cow-drivers cannot be had in that country, nor do the people care to sell cattle for currency at present prices. I beg to suggest that you order details from the force under Brig.-General Howell Cobb to drive them out immediately and pay the people very liberal compensation for them. Under the impressment system and compensation allowed, the people are curing their meat. I think the commissaries should be instructed to get and put up the prices of provisions to a point that will satisfy the people. I beg you to look over the ground and consider this matter.

JOS. E. BROWN.

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RICHMOND, VA., August 26, 1863.

GOVERNOR J. E. BROWN,

Atlanta, Ga.:

Directions have been given to use the means indicated in your dispatch and hasten the delivery of the beeves referred to. The commanding general has already acted in accordance with your views, and expressed concurrence when shown to him.

JEFFERSON DAVIS.

MARIETTA, August 26, 1863.

MR. A. FULLARTON,

*Acting Consul of Great Britain:*

DEAR SIR: In your letter of the 17th instant, now before me, you conclude that I misunderstood you when you admitted the right of the State to claim the services of British subjects resident within its limits to defend to a limited extent, the places of their residence against local invasion by a foreign power. You are pleased to say that such service might be rendered by them in the event of a war by a "foreign power," but not in a civil war like that which now rages on this continent. Then you still admit that by the laws of nations Her Majesty's subjects resident in this State may be compelled to render the service now required; in other words, to defend the places of their residence against local invasion by a foreign power. And it follows, you being the judge, that the claim now made upon Her Majesty's subjects for service is in accordance with the laws of nations, if the Confederate States, of which Georgia is one, are at war with a foreign power. But in your attempt to escape the just conclusion which results from your admissions you virtually deny that the United States is a foreign power, and claim that Georgia is still a component part of the Government of the United States. You have probably been influenced in your persistence in this error by the forbearance of the Government and people of the Confederate States in permitting Her Majesty's consuls to remain among us in the exercise of the functions of a position to which they were accredited by the Government of the United States. As it is no part of my purpose to enter

into an argument to convince you that the United States is a hostile power foreign to Georgia, I will dismiss this part of the controversy with the single remark, that if your pretensions be correct, you appeal for the protection of British subjects resident within this State should have been made to the Government at Washington and not to me. You are pleased to inform me that you have felt compelled to advise those drafted to acquiesce in the duty until they are required to leave their immediate homes or to meet the U. S. forces in actual conflict; in that event to throw down their arms and refuse to render a service the performance of which would run directly in the teeth of Her Majesty's proclamation, etc.

It is worthy of remark that the language you employ is, "to leave their immediate homes or to meet the U. S. forces in actual conflict." Your advice, then, to British subjects, if I correctly understand it, is that when the U. S. forces attack the immediate locality of their homes, or their own houses, they are not to defend them as required by the laws of nations against such local invasion, but they are to throw down their arms and refuse to fight for the protection of their domiciles. In reply to this, it is my duty to inform you that I can neither be bound by your pretensions that the United States is not a power foreign to Georgia, nor can I admit the right of Her Majesty by proclamation to change the laws of nations and insist upon maintaining her subjects here and exempting them from the performance of the duties imposed upon them by the laws of nations. When the troops now drafted have been turned over to the Government of the Confederate States to be held in readiness to repel local invasion, if they should, upon the approach of a hostile force, follow your advice and throw down their

arms, that Government will have the power to pardon for such conduct, or to strike their names from its muster-rolls if it chooses to do so; but if an attempt should be made by the enemy upon immediate locality of their homes while I control and command the forces to which they are attached, and they should be guilty of conduct so unnatural and unmanly as to throw down their arms and refuse to defend their domiciles, they will be promptly dealt with as citizens of this State would be should they be guilty of such dishonorable delinquency.

In another part of your letter you take occasion to say that you do not see why the change in political relations of this country has imposed new obligations upon the subjects of Her Majesty, as they had no voice in the councils which brought about the present state of affairs. With the same reason you might say that you cannot see why the laws of nations require British subjects in any case to defend their domiciles when located in a foreign country against the local invasion of another foreign power when they had no voice in the councils which formed the government in which they are permitted to reside. I insist that British subjects, resident within its limits, though they had no voice in the formation of the new government, owe the same service to it when established which they owed before its formation to the government whose power originally extended over its territory and embraced their homes; and that they are bound to conform their conduct to the new order of things or to seek homes and protection elsewhere. But I am informed by your letter that with regard to the protection afforded by the State to an alien, it appears to you to extend little beyond the safety of life. And as the laws of Georgia forbid an alien to hold certain

kinds of property, you cannot see how a thing can be protected which is not suffered to exist. Upon this first point I need only remind you that our courts are at all times open to aliens belonging to friendly powers for the redress of their wrongs, and that the same protection is extended to their persons and all the property they legally possess which is enjoyed by citizens of this State.

I trust a re-examination of the laws of your own country would satisfy your mind upon the other point, as you will there find that the laws of Great Britain forbid an alien to hold "certain kinds of property," and it is the boast of that Government that it protects aliens who reside within its jurisdiction. The laws of Great Britain in reference to the right of aliens to hold certain kinds of property while domiciled in that kingdom are certainly not more liberal to the citizens of Georgia than the laws of Georgia are to the subjects of Great Britain.

While I am unable to perceive the justice of your complaint in the particulars last mentioned, it is gratifying to know that there is no law of nations or of this State which throws any obstructions in the way of the removal of any British subject from the State who is not satisfied with the privileges and protection which he enjoys. You remind me, however, that not a few of them are mechanics, of whose inestimable services at this crisis the Confederacy will be deprived in case of their removal. These mechanics have no doubt remained in this State because they felt it their interest to remain, and in reference to them this State will very cheerfully adopt the rule which generally controls the British Government. She will consult her own interests and exempt from military



service for local defence such mechanics who are aliens as choose to remain and will be more serviceable in that capacity.

I reply in the affirmative to your inquiry whether aliens already drafted may avail themselves of the alternative of leaving the State in preference to rendering the service. While an alien will not be permitted to evade the service by leaving the State temporarily during the emergency and then returning, his right to leave permanently when he chooses will not be questioned. I do not insist that an alien shall remain here to serve the State, but I contend that while he chooses to remain under the protection of the State he is bound by the laws of nations and of this State to obey her call to defend his domicile against insurrection or local invasion.

This, I apprehend, is all that is intended to be claimed by your Government in the instructions which you quote. While the British Government has right to demand that its subjects shall not be detained here against their will and compelled to take up arms on either side, it certainly would not place itself before the world in the false position of insisting on the right of its subjects to remain in another State contrary to the wish of the government of such State, and to be exempt from the service which, by the common consent of nations, such State has a right to demand.

You conclude your letter by informing me that my decision contrasts strongly with the conduct of the United States Government, who have conceded the claim of bona fide British subjects to exemption from any military service whatever.

As the United States Government is the invading party in this war, and can but seldom need the services of British subjects to defend their domiciles, which are scarcely ever subject to invasion, as it has no right under the laws of nations to compel them to bear arms in its invading armies, as it is not in a condition to be compelled to economize its supply of provisions, and as it is reported that it has by the use of money drawn large numbers of recruits for its armies from the dominions of Her Majesty, in violation of the laws of her realm, it may well afford to affect a pretended liberality, which costs it neither sacrifice nor inconvenience. But you say that my decision also contrasts strongly "with that of the Governors of other Southern States, who, upon representation, ordered the discharge of British subjects forcibly detained in service." In a former part of your letter, when speaking of the advice given to British subjects to throw down their arms in case they should be required to meet the U. S. forces in actual conflict, you use this sentence: "In other States British subjects imprisoned for following this advice have already been discharged from custody and service by order of the War Department." Excuse me for remarking that these two sentences contrast so strongly with each other that I am unable to understand why it became necessary for the War Department to interfere and discharge British subjects imprisoned in other States for throwing down their arms and refusing to fight, if the Governors of those States had, upon representation, in all cases ordered the discharge of British subjects forcibly detained in service.

Trusting that my position is fully understood by you,

and that it may not be necessary to protract this discussion, I am, with high consideration and esteem,

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

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RICHMOND, August 31, 1863.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.

We are advised that a formidable force of the enemy is advancing on East Tennessee. Cannot the local troops organized by you be thrown to aid?

J. A. SEDDON,

*Secretary of War.*

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AUGUSTA, GA., September 1, 1863.

HON. J. A. SEDDON:

They could not be compelled to go out of the State, but I believe many of them would go if they had arms. They are generally without arms. If you will have 5,000 guns sent to me at Atlanta I will order transportation and supplies to such as respond to my call. I think I can get the men. They will consist of regiments, battalions, and companies. Who shall command them? Shall I

assign them a commanding general for the time, or do you claim that as a right? Send reply to this place.

J. E. BROWN,

*Governor.*

[First indorsement.]

September 2, 1863.

Respectfully submitted for the information of the President. I should be pleased to receive instructions on the subject of the officers.

J. A. SEDDON,

*Secretary of War.*

[Second indorsement.]

The question depends on the character of the troops. If militia, I have no power to appoint the commander or other officers; if troops of the Confederate States, I have no power to delegate the appointing power.

JEFF'N DAVIS.

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RICHMOND, Sept. 4, 1863.

GOVERNOR J. E. BROWN,

Augusta, Ga.:

Your telegram of the 1st submitted to the President. He replies: "If militia, I have no power to appoint the commander or other officers; if troops of the Confed-

erate States, I have no power to delegate the appointing power." Arms will be sent to Atlanta, as desired.

J. A. SEDDON,

*Secretary of War.*

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RICHMOND, VA., September 9, 1863.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga. :

Your letter of the 29th received. I supposed the Secretary of War had communicated to you that appointment of general officers by the Confederate Government would extend only to organizations of those in the service of the Confederate States. The local defense men are according to terms of muster in the service of the Confederate States when called out, and it probably was better to organize them separately. General H. Cobb has been directed to attend to the organization of the troops you are about to furnish. While waiting for muster-rolls will be obliged to you for suggestions or nominations, all of which will be considered with deference. Georgia deserves the thanks for this additional evidence of the patriotism of her people. I am proud of her, and she has my gratitude. Will answer fully by mail.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., September, 11, 1863.

COL. G. W. RAINES, .

Augusta, Ga.:

SIR: Your letter of the 24th ultimo has been received. I am too imperfectly acquainted with Governor Brown's action in regard to the troops recently raised in Georgia to infer his intentions, and he has not as yet explained them nor sent on the muster-rolls. From what you state it is probable he wishes to secure to the troops raised in the State the character of militia to be officered by him, and not that of Confederate troops for local defense raised under the acts of Congress. This would in a measure be effected by having the number less than prescribed if organized under the law of 1861. Or he may design to secure the organization into battalions or regiments before the troops are tendered and accepted by the Confederate Government, in which event the field officers would be elected instead of being appointed by the President. To what extent he may proceed in his line of policy I can only conjecture. I fear he may cause some embarrassment by the line of action preferred by him; but with the patriotic spirit he has manifested, and the success he has had in raising troops, he will have strong ground to appeal to the Department to give sanction to his proceedings so far as the law will allow. There is no doubt, however, that under the acts of Congress companies, preferring it may organize independently of the Governor, and, either singly or organized by themselves

into battalions or regiments, offer themselves for acceptance to the Confederate Government. This whole matter of the organization of the local troops in Georgia has been intrusted by the President to General Howell Cobb, and full instructions have been forwarded him. He will divide them into the troops enlisted for service throughout the State, those for districts, and those for towns or neighborhoods. The former will be formed into brigades with brigadier-generals to command them; the others will report to commandants of posts, etc.

You had better address him and receive full explanations and instructions.

Respectfully,

JAMES A. SEDDON,

*Secretary of War.*

EXECUTIVE DEPARTMENT,

MARIETTA, GA., September 11, 1863.

His Excellency M. L. BONHAM,

Charleston, S. C.:

SIR: Yours to His Excellency Governor Brown upon the subject of aid from the troops of this State was only received here this morning. I deeply regret to have to say that the Governor went up to his county place a few days ago, after a trip to Augusta and Milledgeville, quite bilious. He is now two days behind time, and from a letter from him of the 9th I fear he is sick. I expect him hourly, if not sick. I have also to regret that, from

my knowledge of the situation here, the pressing nature of the campaign on the northern border leaves but little ground to hope for aid from this quarter.

I should also mention the fact that the troops raised under the late call were, under the act of Congress, for local defense and special service. The troops were given the privilege of prescribing in their muster-rolls the section of country they will engage to serve in; all prescribe a limit within this State, and therefore could not be forced to go out of it. Moreover, they are mostly old men, boys, and business men, who are so situated that it is not likely they would volunteer for such a campaign.

I will refer your letter to the Governor on his arrival.

Yours, etc.,

HERBERT FIELDER,

*Aide-de-Camp.*

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RICHMOND, VA., September 12, 1863.

HIS EXCELLENCY JOSEPH E. BROWN,

Milledgeville, Ga.:

SIR: By telegram of the 9th instant. I had the honor to acknowledge the receipt of your letter of the 29th ultimo, and to express to you my deep sense of gratitude to yourself and the State of Georgia for the promptitude with which so many of her patriotic sons have organized for defense against the threatened incursion of our enemy. The organization of this force will depend on the character of the troops. It would seem that those who tender



for service in the State should properly form one class to be organized into brigades or divisions, according to numbers. Those who propose to serve within certain districts and in certain towns or places should form a second and third class. The first class appears to me to be the only one for which brigade commanders would be required, as they only could ever meet and do duty together in large bodies. Those composing the other two classes should have some general supervision to insure efficiency and expedite answers to calls for service. Your suggestion in reference to General Wofford has been referred to General Lee, in whose army General Wofford commands a brigade, which has been temporarily detached.

I concur in the view taken by you that where nearly the whole arms-bearing population have offered for service the calls should be partial, and that persons who cannot be taken from home for a long time without embarrassment to the State Government and to the people should not be so taken, except in cases of greater emergency. I have ordered instructions to be prepared accordingly and sent to General Cobb, who has been directed to attend to the organization of the troops raised for local and special service. It will give me pleasure to receive any suggestions you may think proper to make and to give them prompt and respectful attention.

With renewed assurances of my thanks for your prompt action and gratifying success,

I remain, very respectfully and truly yours,

JEFFERSON DAVIS.

RICHMOND, VA., September 12, 1863.

His Excellency JOSEPH E. BROWN,

Milledgeville, Ga.:

GOVERNOR: In view of the present posture of affairs, and with your familiarity of the feelings of the people and the requirements of the military service upon your northern border, I would be glad if you can find it convenient to visit me. In conversation we may be able to concert more effectually than through letters measures which will increase the strength of the army and the security of the State. Please accept my congratulations upon the prompt and zealous manner in which the people of Georgia have responded to my late call for additional troops. The spirit they have shown is most gratifying, and is worthy of the kinsmen of men who have displayed such gallantry in action as the troops of Georgia have exhibited on many hard-fought fields.

Very respectfully and truly yours,

JEFFERSON DAVIS.

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ATLANTA, September 17, 1863.

(Received 18th.)

His Excellency JEFFERSON DAVIS,

Richmond, Va.:

The Home Guards are responding nobly. I think 7,000 to 8,000 will be ready for service in a short time. I shall need 3,000 stand more of arms. Send them at

once. I think a major-general should be appointed immediately to be ready to take command by the time the organization is completed. You requested me to make nomination. I respectfully ask that General Henry R. Jackson be appointed major-general to command the whole force. So far as I can learn, this is the general wish of the troops and of the people of the State. As the representative of these people I tender my thanks for your expression of appreciation of the response of the State to your call; and will in turn highly appreciate your action if you will gratify the wish of those who have made the patriotic resolve. Please say by telegraph whether you will make the appointment.

JOSEPH E. BROWN.

I fully and cordially indorse the above recommendation for the appointment of General Jackson to the command mentioned.

HOWELL COBB,  
*Brigadier-General.*

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MARIETTA, September 25, 1863.

His Excellency JEFFERSON DAVIS:

I have the pleasure to acknowledge the receipt of your two very kind and complimentary letters of 12th instant, and to return my thanks for the manner in which you have been pleased to allude to the prompt and patriotic response made to your late call by the people of this State, and for your expression of approbation of my individual efforts to serve our noble cause by furnish-

ing the troops required of the State. Georgia has never failed to respond to your call for volunteers, and I trust she never may while this cruel war is waged upon us by our unnatural enemies. While I highly appreciate your kind invitation to visit you, that we may confer about the best means for the defense of the State, I regret to inform you that heavy press of office business will deny me that pleasure for the present. As the late splendid victory which the army under the command of General Bragg has won upon the bloody fields of Chickamauga—"the stream of death"—has driven the enemy from the soil of this State, an interview is less important than it might otherwise have been. There are several matters, however, upon which I should be very happy to have the privilege of a personal exchange of opinions, and I trust it may be in my power at no distant day to meet you in Richmond. The organization of the Home Guards into regiments progresses finely under Maj.-Gen. Howell Cobb. I shall continue to render him all the assistance in my power. I know of ten regiments which have responded to my late call and are now in camp, most of them near this place. Part of these have not embraced the upper part of the State in their muster-rolls, but they have waived that and responded. Other organizations in other sections of the State await a call within the limits which they have undertaken to defend.

In this connection I beg to call your attention to the fact that the men who compose these organizations in this State are the reserved population, and nearly all belong to the productive class. Their crops will soon be ready to gather, and their wheat must be sown at the proper time or we cannot expect a harvest next summer.

In my humble judgment the provision question is now the great question in this struggle, and it is a matter of the utmost importance that the agricultural interests be stimulated in every way possible. Again, at the end of six months for which these troops have volunteered it may be very necessary to get them to extend the time of service. I therefore respectfully suggest and urge that they be sent back to their homes at the earliest day when the enemy ceases to threaten the early invasion of the State, with orders to hold themselves in readiness to respond at a single day's notice to a call for service in case of future invasion or in imminent danger of it. This would produce a very fine effect, and would cause them in future to respond with alacrity and promptness. Many of them fear that they are to be kept constantly in service for six months, and feel that in that event their home interests would be ruined, and they would fail to make a crop next year. If General Bragg's victory is as complete as it is now believed to be, I trust you will direct General Cobb to disband them immediately, subject to his call when again needed. Let them understand that the Government is determined to keep good faith with them and make citizen soldiers of them; in other words, soldiers only in emergencies, and my opinion is they will continue to volunteer; otherwise at the end of their term they will refuse to re-enlist.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

HEADQUARTERS STATE TROOPS,

ATLANTA, September 29, 1863.

GENERAL S. COOPER,

*Adjutant and Inspector-General, Richmond, Va.:*

GENERAL: I submit for the decision of the department the proper mode of filling vacancies in the companies and regiments of the State troops. Governor Brown insists with great earnestness that all vacancies should be filled under the State laws. He discriminates between these troops and those in the regular Confederate service, and claims that vacancies, including field officers, should be filled by election, as required by the laws of the State. Whilst I am utterly opposed to all elections in the army, and regard them as the fruitful sources of trouble, I would recommend, if consistent with the President's view of the law, that the concession should be made and the vacancies be filled under the laws of the State. It is an evil, I know, but perhaps a lesser one than a conflict with the State authorities on the point.

The services of these troops is temporary as at present organized, and the evil can be borne with. If, however, the recommendation I have made of making this organization a permanent one should be adopted, I should consider it important for the service to get rid as far as possible of all elections.

As the question is constantly arising I should be pleased to receive instructions on the subject at an early day.

I am, General, very respectfully yours, etc.,

HOWELL COBB,

*Major-General Commanding, Etc.*

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT,

RICHMOND, VA., October 5, 1863.

MAJ.-GEN. HOWELL COBB,

*Commanding State Troops, Atlanta, Ga.:*

GENERAL: I have received your letter as to the proper mode of filling vacancies in the State troops. There is every disposition, from a cordial appreciation of the laudable efforts of the Governor of Georgia to raise these troops, as well as from just deference to his station and known views, to have these appointments made in the most acceptable manner. There are certain limitations of authority, however, which must be observed. Where the troops have not been organized under the Confederate laws, but as militia, then there can be no doubt or difficulty—the appointments will be with the Governor, or agreeably to the State laws. When the organizations have been under the Confederate Acts for local defense, then, if before being tendered they are organized into regiments, the field officers may be, and properly should be, elected by the men, and then, as regiments organized, they may be tendered and accepted by the Confederate authorities. If, however, the companies are separately tendered and accepted, and have to be organized into battalions and regiments, the law vests the appointment of the field officers in the President, and he can not delegate it nor divest himself of it, though he will naturally give weight and due consideration to whatever recommendations the Governor of Georgia may present.

Under the foregoing statement of the law as con-

strued by the Department, little difficulty, it is hoped, will exist in nearly all instances in accomplishing the wishes of the Governor without departing from the provisions of existing laws.

Very respectfully, yours,

J. A. SEDDON,  
*Secretary of War.*

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HEADQUARTERS GEORGIA STATE GUARD,

ATLANTA, October 18, 1863.

HON. JAMES A. SEDDON,

*Secretary of War, Richmond, Va.:*

SIR: I enclose you a letter just received from His Excellency Joseph E. Brown, Governor of Georgia, and most respectfully request your early and particular attention to it. The position taken by Governor Brown must necessarily be attended with the most serious embarrassments in the organization and discipline of the troops under my command, and it is therefore important that I should at once receive your instructions as to the course I am to pursue. There are, unfortunately, in the service those who entertain the same opinion with Governor Brown, and co-operating with him can subject me to great embarrassment. Until otherwise ordered I shall forward to Richmond all vacancies that may occur. In the meantime I have addressed to Governor Brown a letter, a copy of which I inclose.



Earnestly asking your immediate attention to the subject, I am, with sentiments of sincere regard,

Very respectfully, yours, etc.,

HOWELL COBB,

*Major-General Commanding, etc.*

[Indorsement.]

ADJUTANT AND INSPECTOR

GENERAL'S OFFICE,

October 23, 1863.

Respectfully submitted to Secretary of War.

The Governor of Georgia insists upon the right of the Home Guards to elect officers to fill vacancies, and declares his intention to issue commissions when election returns are sent him. Pronounces the decision of Secretary of War denying such right as a flagrant violation of the constitutional rights of the troops, and expects to bring the question before the General Assembly. General Cobb asks for instructions in the matter.

C. H. LEE,

*Assistant Adjutant-General.*

[Inclosure No. 1.]

MARIETTA, October 15, 1863.

MAJ. GEN. HOWELL COBB;

DEAR SIR: I have to acknowledge officially the copy of the letter from the Secretary of War to you, in which

he denies the right of the Home Guards to elect officers to fill vacancies. This, I supposed, would be the result after the positive manner in which the President spoke in our interview the other day. I did not then wish to provoke a discussion which would have been fruitless, and passed it by with my simple dissent from the doctrine. I consider the decision so flagrant a violation of the constitutional rights of the troops that I shall issue commissions to fill all such vacancies when election returns are sent to me. I expect to bring the question before the General Assembly and will, of course, be submissive to their decision, whatever may be my own opinion.

Very respectfully, your obedient servant,

JOSEPH E. BROWN.

[Inclosure No. 2.]

HEADQUARTERS GEORGIA STATE GUARD,

ATLANTA, October 18, 1863.

His Excellency JOSEPH E. BROWN,

*Governor, etc., Marietta, Ga.:*

SIR: I acknowledge the receipt of your letter of the 15th instant. After our interview with the President I had hoped the question was settled, and regret to find that you have determined not to acquiesce in the decisions of the President as then made known to you. I need not say to you the course you propose to pursue will bring the Confederate and State authorities into direct conflict, and endangers, if it does not destroy, the efficiency of the State Guard service. I request that you will issue no commissions to fill vacancies unless they

are forwarded through these headquarters; otherwise you destroy all military rule and discipline and demoralize the troops under my command. In the meantime I submit the question to the Department of War at Richmond for such instructions as the President may see proper to give.

I am, very respectfully, yours,

HOWELL COBB,

*Major-General, Commanding, etc.*

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT.

RICHMOND, VA., October 27, 1863.

MAJ. GEN. HOWELL COBB,

*Commanding State Guard, Atlanta, Ga.:*

GENERAL: I have received your letter of the 18th instant, inclosing a copy of your correspondence with the Governor of Georgia in reference to the appointment of officers for the State troops raised in response to the call of the President. I regret that there is a conflict of views on this question between the Confederate authorities and the Governor, but the course of the Department is clear. The call for the militia was made, in the event that the quota of the State should not be filled up by volunteers under the Confederate law, for local defense and special service. I am not informed what proportions of the troops were raised as militia and volunteers respectively. Volunteers, under the Confederate law, have

the right to present themselves organized into regiments, with officers elected by the men; but if not so organized when tendered, the President has the undoubted right to appoint the field officers. Officers of the militia, will, of course, be appointed or elected in accordance with the State laws.

Very respectfully,

JAMES A. SEDDON,

*Secretary of War.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT.

RICHMOND, VA., October 31, 1863.

His Excellency J. E. BROWN,

*Governor of Georgia,*

Milledgeville, Ga.:

SIR: The difficulties in attending the collection of supplies surpass any conception you can have, and it has become a question of the gravest doubt whether the army of General Bragg can be maintained embodied in its present position. In the present state of the currency impressment is the only mode by which supplies can be had, and but for the apprehension of such seizure I have the strongest reason to believe that there would be scarcely any sales, even at the prices given by private individuals and speculators, as the owners of products for subsistence would prefer to hold for constantly enhancing rates or through distrust of the currency to be

received in payment. I am satisfied if the Government were to dispense with impressments, and rely upon the effort of purchasing at current rates, besides causing at once exorbitant increase destructive to the currency, there would be an utter impossibility of obtaining adequate supplies, as the rising market and the distrust of the currency would certainly prevent voluntary sales.

Under these circumstances will Your Excellency pardon me for pressing on your consideration earnestly the importance, at least under the present emergency, of removing all impediments to the free action of commissary officers and of giving them the countenance of your influence? I am induced to make this application by having had transmitted to me a copy of a letter recently addressed to you by one of the leading commissaries of your State, Major Locke. I earnestly commend his views to your consideration, and would respectfully ask your compliance with his request or some action that may have the effect he desires.

Very respectfully, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., November, 9, 1863.

HON. JAMES A. SEDDON,

*Secretary of War, Richmond, Va.:*

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo upon the subject of im-

pressment. Deeply regretting, but feeling assured of the truth of your statements in reference to the embarrassments that do now and for some time past have attended the operations of the commissaries of the army, I have felt it my duty to aid and encourage them in procuring supplies and to sustain them with all my influence in making legal impressments. There have been so many outrages committed in this State under the guise of making impressments for the army by unauthorized persons, who have resorted to it as a convenient mode of stealing and robbing from peaceful and unoffending and in many cases unsuspecting citizens, and so many irregularities and acts of partiality, injustice and oppression committed by some of those who are authorized to make impressments, stripping some of nearly all their provisions and stock, in violation of the act of Congress, and refusing to grant to the owners the rights provided for them in the act, that I have felt it to be my duty to interpose in behalf of common justice and right, and if possible to force lawless persons to abandon this mode of robbery, and legally authorized impressing agents to discharge their duties in subordination to the laws of the country and the acts of Congress.

I assure you that I have no disposition whatever to interfere with the legal execution of the laws regulating impressments, but, on the contrary, to aid and encourage it. It is due to the people that the burdens of supporting the army should be, as nearly as practicable, equally distributed, and it is grossly unjust that agents indisposed to perform their duties faithfully should be tolerated in going into some sections and neighborhoods and taking from the people all they have to subsist upon, in violation of law, denying them the right given by law

of an arbitration, which the act of Congress entitles them to, and at the same time leaving other persons and neighborhoods and sections untouched. I have called the attention of the General Assembly of this State, now in session, to the subject, and have recommended the enactment of penal laws to punish those who are unauthorized and who resort to this method of committing robberies upon the people, and also of authorized agents who violate the laws of Congress, under which they are appointed, and which laws are wisely intended to restrain and regulate them. There is, as I before stated, not the slightest intention on my part or of the Legislature, so far as I know or have reason to believe, to interfere with impressments that are legal and conducted in accordance with the laws of Congress.

While this is true I feel it to be my duty, in this our great time of need and difficulty in supplying the army with provisions, to endeavor to impress upon your mind the absolute importance and necessity of a change of policy on the part of the Government upon the subject of the compensation allowed to owners for articles purchased or impressed for the use of the army. The effect of the present system of low prices and inadequate compensation, imposing as it does the burdens of supplying the army upon the producing classes, levying contributions upon them in every case to the extent of the difference in the price paid by the Government and the market value, a burden in which other tax-paying classes do not share, is to withhold the supplies from the market and cause them to be secreted and concealed from the Government agents. This result has inaugurated the system of supplying the army by impressment instead of by purchase, which is contrary to the true policy of

the Government and against the injunctions in the act of Congress which forbids impressments until after there is a refusal to sell. By this system and under its baneful operations to the difficulty of procuring supplies and the danger of suffering in the army for the want of food is added the evil spirit, bordering already in many cases upon open disloyalty, which it engenders among the people.

The evil increases and must of necessity continue to increase so long as the Government persists in taking the produce of the people at rates so far below the market price and in distributing the operations of impressing agents so unequally in the different sections of the country. So far as I am able to understand the spirit of our people, they are willing and ready to furnish to the Government whatever they can possibly spare and to give the preference to the Government over all other consumers, but not so when they see the burdens so unequally imposed.

I therefore urge upon your early consideration the necessity of a change of policy and the propriety of paying the market price for all articles purchased, which will supersede the necessity in most cases of making impressments at all and restore quiet to the disturbed communities of this State.

If this change cannot be made under the law as it now exists, I would through you urge upon the President the importance of procuring a speedy change of the law.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.



## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, November 13, 1863.

His Excellency, JEFFERSON DAVIS,

DEAR SIR: I beg leave to lay before you the accompanying communication from Lieutenant-Colonel Lewis in behalf of the Ninth Regiment of State Guards, called out by me under your late requisition for troops for local defense. These troops have now been about two months in service, when there was no enemy upon the soil of Georgia and no raid making its way into her territory. Judging from the past, it is reasonable to infer that without the order of Your Excellency the generals in command will continue to hold them in constant service till the end of the time for which they enlisted. This is a violation of the letter and spirit of the contract by which they entered the service of the Confederacy, and not only does injustice to the troops but seriously injures the agricultural interests of the State, and thereby inflicts a serious loss upon our cause.

The State has furnished promptly at all times her full quota of troops for regular service against the common enemy, and is ready to continue to do it as long as she has a man to spare. But it must not be forgotten that it is impossible to continue to support our armies in the field if our agricultural interests are paralyzed. We must retain a producing class at home to furnish supplies to the army, or it becomes a mere question of time when we must submit to the enemy on account of our inability longer to support our armies.

The Home Guards are composed of this reserved producing class, and their services in the agricultural

fields are absolutely indispensable to the continuance of our troops in the military field. They are willing to do military service for short periods in sudden emergencies, but they cannot leave their homes for regular service without ruin to themselves and their country. Much of their crop of the present year has been and is now being wasted in the field for want of labor to gather and take care of it. Their wheat is not yet sowed, and cannot be unless they have furloughs to go home and attend to it. Thus by continuing them so long from their homes you cause a great waste of the provisions, without which you cannot keep the armies in the field, and you cause the productive lands which they usually cultivate to lie uncultivated for another year. This course if persisted in will soon end the struggle and force our people, exhausted by hunger, to pass under the yoke of bondage.

I beg you to excuse me for this frank avowal of sentiments in which you may not concur. I am aware of the vast responsibility and labor imposed upon you, and know that you cannot give your individual attention to all the details and smaller matters connected with the public interest. In looking to the movements of our large armies, you may not be able at all times to give your attention to the consideration of the agricultural interests, and the nature of the contract by which smaller bodies of troops are called to the field. You will, I know, excuse me for bringing this matter so often to your attention and earnestly urging action upon it.

These troops were mustered into service by me under your requisition and called into the field by you through me, which commits me with the contract by which they agreed to be bound, and makes it my duty to continue

to urge a faithful compliance with it on the part of the Government.

The remarks made in this letter about the Ninth Regiment apply equally to all the other troops called into service, as they were under the same requisition.

I again most respectfully and earnestly claim for them the right to return home and attend to their home interests till another exigency calls for their services. They are now organized, and if they were at the end of each emergency permitted to return home, they would at all times be ready to make prompt response to each call made upon them without serious detriment to the productive interests.

Hoping to receive a favorable response, I am very respectfully, your obedient servant,

JOSEPH E. BROWN.

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[Indorsement.]

SECRETARY OF WAR:

If the facts bearing on the points made within are not in your possession let General Cobb be called on for report. Your attention is particularly invited to the assertions and arguments referring to the obligations assumed by the Government. I expect it will be found that the policy has been to relieve the men from duty as far as circumstances would permit.

JEFF'N DAVIS

[Inclosure.]

MILLEDGEVILLE, GA., November 12, 1863.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia,*

DEAR SIR: At a meeting of the commanding officers of the Ninth Regiment State Guards (now stationed at Rome), held on the 9th instant, they unanimously appointed me, as one of their number, to present to you their views and the views of the whole regiment in regard to the impropriety and injustice of their being detained longer in camp under existing circumstances. They present their complaint to you, not because they suppose you have the authority to remove or dismiss them to their homes, or that you are in the least responsible for a violation of the terms of their enlistment, but because you were the agent of the Confederate Government in raising and organizing them and similar troops for the service for which they were designed.

Our regiment and others similarly situated were raised under an act of Congress "for special service and local defense." That act gave the President the power to call out troops for six months for local defense under such terms as he should prescribe. Congress had previously by its legislation divided the adult male population into two great classes, viz.: the fighting and the producing classes. The former were found not to be sufficiently numerous to protect the country against raids and sudden and unexpected invasions of the enemy. Accordingly Congress passed the above-named act to guard against these emergencies. The President prescribed the terms which were presented to the citizens of Geor-

gia in your proclamation of June 22, last. In that proclamation we were informed that we were not expected to enter upon regular military service; that our business at home need not be neglected but for a few days, or weeks at furthest, at any one time; that we were simply to organize and hold ourselves in readiness to meet sudden emergencies. Even the civil officers, whose official business requires their almost constant presence at their offices, were required to enlist and assured that there would be but a short interruption of their regular occupation. Old men were induced to enlist under the idea that they could undergo any hardship and labor required by this peculiar service. Most of our men are farmers, many of them small farmers, whose families are entirely dependent upon their presence at home in seed time and harvest for a support. They know well that unless they could be at home to gather their corn and sow their grain the ensuing year would find their families in want and their friends in the army suffering for the necessities of life. But trusting to the good faith of the Confederate Government in the promises it made through you as its agent, they patriotically and promptly volunteered in over double the number called for. In accordance with the contract they repaired to Atlanta when ordered to guard against its sudden invasion, which was said to be threatened by a ruthless and fanatic foe who then polluted Georgia soil with their infernal tread.

Nearly two months ago our gallant army (among whom we are proud to number our sons and brothers) drove the enemy from our noble State, and since that time not a hostile step has been made within our borders. Is it in accordance with the terms of our enlistment that

we should have been kept in camp ever since, waiting for something to turn up which could be construed into an emergency requiring us to be called from our homes? If the answer lay within your decision, we doubt not the response. Who is responsible? We make no charges, but respectfully request you, as you were the instrument (innocently, doubtless) in placing us in a situation to be deceived and (as we contend) wronged and injured, to press these considerations upon the proper authorities.

Thus far, you will perceive, we have only been insisting upon the law and our rights as freemen under the contract. This, it seems to us, should be sufficient consideration to influence the proper authorities to set themselves right in the matter. Whenever contracts between individuals are broken at will and no remedy is secured by law, credit is annihilated. Whenever contracts between Governments and citizens are disregarded, the confidence of the citizen in his Government is destroyed and his liberty is but a name. Subjugation by our enemy we have never feared, but let us see to it that in our struggle for independence the Constitution and the laws be not hushed into silence, and thereby the liberty of the citizen hopelessly and irretrievably lost. There can be but one view of this question, so far as our rights under the contract are concerned.

But let us glance for a moment at the bad policy exhibited in keeping us thus wrongfully in camp to the neglect of our usual business. The larger portion of these troops are producers of grain and meat. The time for gathering corn and sowing wheat will soon be over. Most of the men left no one at home to attend to these matters, and can get no one competent. The consequence will be that unless they are speedily sent home these great in-

terests (so far as their agency, and they constitute no mean proportion of the producing class of Georgia, is concerned) will be neglected. Their families must suffer and the army also from this subtraction from the productions of the State.

Again, volunteering under similar circumstances will be effectually killed off. No man will be willing to volunteer under terms that he can have no adequate assurance will be complied with.

Again, we are in a region which is well-nigh eaten out; so nearly so that the quartermaster of each regiment has had to do his own impressment and could not even supply his men, a great deal of the time, with more than half rations. We are taking from the citizen what is necessary to feed his family and enable him to make another crop, without any corresponding good to the public service that we can conceive. Many of the citizens in this section are moving to other parts of the State, others are selling out and preparing to move, simply because they are left without the means of living here, and cannot procure provisions. Shall we remain here simply to add to this distress, or shall we be dismissed to our legitimate occupations in accordance with the terms of our enlistment?

These considerations we respectfully present to your judgment, that you may take such steps as you may deem proper. We hope for the honor and interest of the Government that it will give them their due weight and act in such a way as to quiet the fears of the citizens, suppress the rising discontentment of our comrades, and

restore the confidence of the men in the good faith of the Government.

All which is respectfully submitted.

Very respectfully,

M. W. LEWIS,

*Lieutenant-Colonel Ninth Regiment  
State Guards, and representing  
the whole regiment.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., November 24, 1863.

[HON. J. A. SEDDON,

*Secretary of War:]*

SIR: As requested by the General Assembly, I have the honor herewith to transmit to you a copy of the following resolution passed by the Legislature of this State now in session, and respectfully invite your attention to the same.

Very respectfully, etc.,

JOSEPH E. BROWN.

[Inclosure.]

A RESOLUTION to revoke the appointment of impressment officers and appoint citizens in their stead.

Whereas, the impressment law passed by the Congress of the Confederate States has been greatly per-



verted and violated by the impressing officers and those professing to be, by reason of which many of the citizens of this State have been greatly harassed, defrauded, and wilfully wronged: Therefore,

*Be it resolved by the Senate and House of Representatives in General Assembly convened,* That the Secretary of War be, and he is most respectfully, requested to revoke the appointment of all the impressing officers of this State liable to conscription, and to have appointed in their place and stead, in counties where it may be necessary to make impressments to feed and support our gallant armies, one or more responsible citizens not liable to military duty, residing in the counties respectively.

*Resolved further,* That His Excellency the Governor be requested to forward a copy of these resolutions to the Secretary of War immediately, and to furnish each of our Senators and Representatives in Congress with a copy of the same.

BENNING B. MOORE,  
*Speaker pro tem. House of Representatives.*

L. CARRINGTON,  
*Clerk House of Representatives.*

A. R. WRIGHT,  
*President of the Senate.*

L. H. KENAN,  
*Secretary of the Senate.*

Approved November 23, 1863.

JOSEPH E. BROWN.  
*Governor.*

[First indorsement.]

Respectfully referred to the Commissary-General for remarks. By order of the Secretary of War:

R. G. H. KEAN,  
*Chief of Bureau of War.*

[Second indorsement.]

OFFICE COMMISSARY-GENERAL

OF SUBSISTENCE.

December 3, 1863.

Respectfully referred to Major Locke, Commissary-General of Georgia.

L. B. NORTHROP,  
*Commissary-General of Subsistence.*

[Third indorsement.]

RICHMOND, December 3, 1863.

In my opinion, the change contemplated by the resolutions of the Legislature of Georgia is open to grave objections at all times, and particularly so at the present crisis. The officers and agents whose displacement is recommended are those who have enabled us to subsist General Bragg's army for more than several months past, besides sending large supplies to Virginia, South Carolina, and elsewhere. They were appointed for their qualifications, and have all given large bonds for the faithful performance of their duty, and I know of no class of men against whom fewer objections can be urged. In

nearly two-thirds of the State, *i. e.*, in Major Allen's (Second) and Major Millen's (Third) districts, the agents have been appointed generally from the counties where they reside, though in some cases there is but one agent to three counties. Major Millen averages one to two counties. As far as was consistent with propriety, selections were made from those beyond conscript age. These men have been tried; most of them have proved their efficiency, and have gained an experience and knowledge of their business to which new beginners could make no pretension. As few complaints have been made against them as could be expected under the circumstances. I submit the complaints and their refutations that have come to my knowledge in the Third District, and I undertake to say that those in the Second District are equally untenable. It is only in the First District, superintended by Major Cummings, that some of the agents are refugees from Tennessee and Kentucky; but they are men of conspicuous ability, thoroughly versed in getting up supplies, and but for their extraordinary energy and unflagging devotion the army of Tennessee would long ere this have come to want. I am aware that there have been some cases of imposters passing themselves off as commissary agents, but the commissariat in Georgia cannot be held responsible for such acts, as the names of all of our officers and agents were published throughout the State, and now new guards against imposition have been adopted in accordance with a late proclamation of His Excellency Governor Brown. As the law stands, it is altogether in favor of producers and altogether against impressing officers. The former can obtain redress if wronged, while

the latter find scant favor, either at the tribunals of law or at those of public opinion.

All of which is most respectfully submitted,

J. L. LOCKE,

*Major and Chief Commissary of  
Subsistence of Georgia.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT.

RICHMOND, VA., December 5, 1863.

His Excellency J. E. BROWN,

*Governor of Georgia,*

Milledgeville, Ga.:

SIR: I have the honor to acknowledge the receipt of the resolution of the General Assembly of Georgia transmitted by Your Excellency. Feeling much surprise and regret at the grave complaints against the officers of the Department presented in them, I directed that they should be referred to Major Locke, chief commissary of the State of Georgia, for investigation and report. A copy of his response is herewith inclosed for the information of Your Excellency and the General Assembly.\*

Great deference is felt for the opinion and wishes of the Legislature, but the exigency which now exists of supplying the army precludes the Department from revoking

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\*Not found as an enclosure, but see Locke's indorsement of Dec. 3, 1863.

the appointment of all the impressing officers in Georgia liable to conscription, as requested. Earnest effort has been made in the past and renewed exertion will be used in the future to remove all just cause of complaint, and the orders of the Department have always been that so far as practicable persons not liable to military duty should be employed by the various bureaus in preference to able-bodied men capable of service in the field. It has likewise been the policy of the Department to give preference in making such appointments to those who, by nativity and past association are presumed to be better acquainted with the resources of the State and more acceptable to the people than strangers from other States, and in deference to the wishes of the General Assembly that policy will be even more rigidly adhered to in the future.

Very respectfully, your obedient servant,

JAMES A. SEDDON,  
*Secretary of War.*

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GA., December 20, 1863.

His Excellency, JEFFERSON DAVIS,

SIR: As requested by the General Assembly, I have the honor herewith to transmit to you a copy of the following resolutions passed by the Legislature of this State, and respectfully invite your attention to the same.

Very respectfully, etc.

JOSEPH E. BROWN.

[Inclosure.]

### RESOLUTIONS.

*Resolutions expressive of the determination of Georgia to prosecute the present war with the utmost vigor and energy.*

Whereas, at a session of the General Assembly of the State of Georgia, in the year 1861, the following resolutions were adopted:

*Resolved*, That it is the sense of this General Assembly that the separation of those States now forming the Confederate States of America from the United States is, and ought to be, final and irrevocable, and that Georgia will, under no circumstances, entertain any proposition from any quarter which may have for its object a restoration or reconstruction of the late Union or any terms or conditions whatever.

*Resolved*, That the war which the United States are waging upon the Confederate States should be met on our part with the utmost vigor and energy, until our independence and nationality are unconditionally acknowledged by the United States.

*Resolved*, That Georgia pledges herself to her sister States of the Confederacy that she will stand by them throughout the struggle, she will contribute all the means which her resources will supply, so far as the same may be necessary, to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.

Whereas, the enunciation of said resolutions is as truly expressive of the position of Georgia today as at

the time of their adoption; and whereas, the meeting of another General Assembly of the State, after a lapse of two years more of struggle for independence, presents an occasion peculiarly appropriate to the renewal of these declarations, and that the world may know that Georgia does not tire of the war until her purpose is accomplished, nor abate anything of the spirit and determination manifested by said resolutions; Therefore

*Resolved*, That the Senate and House of Representatives in General Assembly met, with a fixed and unaltered purpose to stand by them, do reaffirm and readopt such resolutions in their letter and spirit.

*Resolved further*, That the Governor cause copies of these resolutions to be transmitted to the President of the Confederate States, and the Governors of the several States of the Confederacy, and also to the President of the Senate, and the Speaker of the House of Representatives of the Confederate Congress, with the request that they cause said resolutions to be read before their respective bodies.

A. R. WRIGHT,  
*President of the Senate.*

L. H. KENAN,  
*Secretary of the Senate.*

THOMAS HARDEMAN, JR.,  
*Speaker of the House.*

L. CARRINGTON,  
*Clerk of the House.*

Assented to November 24, 1863.

JOSEPH E. BROWN,  
*Governor.*

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., December 23, 1863.

His Excellency, JEFFERSON DAVIS,

SIR: I have the honor herewith to inclose you a copy of resolutions passed almost unanimously by the General Assembly of Georgia, affirming the constitutional right of Georgia troops in the service of the Confederate States, who were tendered by the Governor of this State, in response to the requisitions of the President, to elect their own officers.

It is earnestly hoped that Congress will, in response to the demand of the Legislature of this State, remove all obstructions which it has thrown in the way of the free exercise of this clear constitutional right of the gallant troops of this State, who have endured and sacrificed so much for our glorious cause, and that the troops of all the States may have the same just recognition of their constitutional rights.

JOSEPH E. BROWN.

[Inclosure.]

## RESOLUTIONS.

*Resolved by the General Assembly of the State of Georgia,* That believing it to be the constitutional right of all soldiers who went from Georgia through the agency of the State to elect their regimental, battalion, and company officers we request our Representatives in Congress, as a proper appreciation of the patriotic devotion, patience, and toil of our gallant soldiers in this sanguinary struggle for independence, to use their zeal-



ous efforts to procure, at the earliest practicable day, such a change in existing Confederate laws as shall secure the right of all regiments, battalions and companies in the Confederate service from this State to elect all their regimental, battalion, and company officers.

*Resolved*, That His Excellency the Governor is hereby requested to furnish a copy of this resolution to each of our Senators and Representatives in Congress.

THOS. HARDEMAN, JR.,  
*Speaker of the House.*

L. CARRINGTON,  
*Clerk of the House.*

A. R. WRIGHT,  
*President of the Senate.*

L. H. KENAN,  
*Secretary of the Senate.*

Assented to December 14, 1863.

JOSEPH E. BROWN,  
*Governor.*

[First indorsement.]

Secretary of War will please note the statements in the printed letter on the first page and compare them with the records of the War Office that the case may be fully understood before it is acted on by the Congress or responded to by the Executive.

J. D.

[Second indorsement.]

Respectfully submitted to the President.

The President will perceive that this complaint is of the action of Congress and not of this Department.

There has been some correspondence with Governor Brown on the subject-matter of these resolutions. The complaint was at first directed against this Department, which was answered by the inclosed letter; and the Governor closed the correspondence by saying he should appeal to this Georgia Legislature. His letter is inclosed.\* The Department did not consider it to be a part of its duty to vindicate to Governor Brown the legislation by which it was controlled, or to continue the correspondence further.

It may be proper to add that the Department does not consider the claim to be well founded. The opinions of the Attorneys-General (three in number) are not harmonious, and the subject was finally submitted to you in a communication from this Department, and the existing practice conforms to the conclusion then made.

[JAMES A. SEDDON.]

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\*See correspondence between Brown and Seddon, this Volume.

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT.

RICHMOND, VA., January 4, 1864.

*The President of the Confederate States:*

SIR: The letter of His Excellency Governor Brown,\* transmitting to you the resolutions of the General Assembly of the State of Georgia, declaring—

That believing it to be the constitutional right of all soldiers who went from Georgia through the agency of the State to elect their regimental, battalion, and company officers, we request our Representatives in Congress, as a proper appreciation of the patriotic devotion, patience, and toil of our gallant soldiers in this sanguinary struggle for independence, to use their zealous efforts to procure, at the earliest practicable day, such a change in existing Confederate laws as shall secure the right of all regiments, battalions, and companies in the Confederate service from this State to elect all their regimental, battalion, and company officers has been referred by you to this Department, and has been respectfully considered. This claim was presented by His Excellency to this Department in several communications, which are submitted, together with the response of the Department to the claim as made by him.

His Excellency does not deny that the action of this Department has been in accordance with the legislation of Congress, and this Department has not considered it to be its duty to vindicate to him at large that legislation as being in accordance with the Constitution. It is

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\*See Dec. 23, 1863.

proper, however, for it to say that it did not entertain doubt on the subject, and had no scruple in conforming its administration to the will of Congress.

Very respectfully,

JAMES A. SEDDON,

*Secretary of War.*

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DALTON, January 7, 1864.

HIS EXCELLENCY JOSEPH E. BROWN,

Milledgeville:

The railroad does not supply equal to daily consumption of army; it is said for want of supply of wood. Cannot this be remedied? Unless there is a change for the better, disaster will result. I respectfully urge your interposition.

J. E. JOHNSTON.

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RICHMOND, VA., January 9, 1864.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: I have the honor to acknowledge yours of the 20th ultimo, transmitting a copy of resolutions passed by the General Assembly of Georgia, "expressing the determination to prosecute the present war with the utmost vigor and energy." After nearly three years of

war and its attendant calamities, this reaffirmation by the people of Georgia of the noble purpose which they announced at the commencement of the conflict is a cheering proof of their true appreciation of the importance of the struggle in which we are engaged, and of the spirit and resolution which alone can secure to us its successful issue. This high spirit and undaunted resolution have marked the conduct of the people of Georgia since the beginning of the war—have been illustrated on many battle-fields, and have found expression at every fireside throughout the State.

Very respectfully and truly yours,

JEFFERSON DAVIS.

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DALTON, January 12, 1864.

His Excellency J. E. BROWN,

Milledgeville:

The railroad from Atlanta does not supply our wants. Our officers complain of great negligence in the management of the trains and great delay from want of fuel. I beg Your Excellency to consider that the army here depends for subsistence on this Georgia railroad. If it does not supply us we cannot defend this portion of the State.

J. E. JOHNSTON.

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT.

RICHMOND, VA., January 13, 1864.

His Excellency J. E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

SIR: General Beauregard has of late, on several occasions, expressed serious apprehensions that the enemy were strengthening their land forces and contemplating an attack on the line of railroad, and in consequence has called for re-inforcements. Unable to spare them from other sources, it is deemed advisable to enquire of you whether the residue of the 15,000 men organized, as the Department has understood, under the call made upon you last summer, and not yet brought into service, could be commanded in whole or in part for aid to General Beauregard. They might, without leaving the State, if that be objectionable, be substituted for other troops at Savannah, or along the line within the limits of Georgia. General Cobb likewise writes that the term of service of the local forces under his command will expire in February, and in such event it would be of great importance that either they should be continued in the service, or a portion of the 15,000 not employed as above should be prepared to take their places. Will you be so kind as to inform me what course you will feel at liberty to adopt under the circumstances, so that a more formal call may, if necessary, be made upon you?

Very respectfully, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

QUARTERMASTER-GENERAL'S OFFICE,

RICHMOND, January 14, 1864.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

General Johnston considers the supply of his army as seriously endangered by the condition of the Western and Atlantic Railroad. The want of fuel and condition of rolling-stock present serious obstacles. I beg to call your attention earnestly to this matter, as the fate of Georgia may depend on that road. Can this Department assist in any arrangement you desire to make?

A. R. LAWTON,

*Quartermaster-General.*

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MILLEDGEVILLE, January 15, 1864.

GENERAL A. R. LAWTON:

Our rolling-stock has been carried off under military orders and lost or destroyed till we have not enough to meet a heavy demand for transportation. I ask that you put upon the road two good engines and trains or cars in place of eight lost or destroyed by the military. We can then do the carrying for the army promptly. Otherwise I cannot promise certainty of transportation.

JOS. E. BROWN.

RICHMOND, VA., January 16, 1864.

GOVERNOR BROWN,

Milledgeville, Ga.:

General Johnston has notified me that unless the management of the State railroad from Atlanta is improved he will be compelled to fall back for want of supplies. The Quartermaster-General has been directed to offer to you any assistance he can furnish. The vital interest of Georgia is at stake, and I ask for the matter your prompt attention.

JEFFERSON DAVIS.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, January 16, 1864.

GENERAL JOSEPH E. JOHNSTON:

DEAR SIR: It affords me pleasure to acknowledge the receipt of your letter of the 5th instant, by which I am informed that you will make an effort to have part of the engines and cars which have been taken from the Western and Atlantic Railroad and lost by the military restored to the road. This would be a great relief and would enable us to transport supplies to your army without further embarrassment. I have informed the Quartermaster-General at Richmond that it is necessary for him to send to the State road two good engines and trains of cars in place of part of those lost, to enable us to do the necessary carrying for your army. I wish you to insist upon this in your correspondence with him, as it will greatly aid me in procuring the trains.



I have submitted your complaints of want of efficiency in our railroad officers to the superintendent, who is of opinion you are misinformed, and that the officers and employes are doing all in their power with the means at their command.

He further informs me that your supplies at the time of the complaint went forward promptly as fast as delivered to us by connecting roads below, except in the case of beef cattle, which he had not stock cars to carry. If you would impress a few stock cars from some of the roads below Atlanta and place them on the State road to carry beef cattle it would greatly facilitate the business. I think cars of that class have been sent to South Carolina by some of our roads to engage in carrying cotton with which to run the blockade, much of it for private speculation. If your commissaries drive the cattle in future, as you suggest, that will obviate much of the difficulty, though I fear you may not find it easy to procure food for them on the way through the country from Atlanta to Dalton.

I think your suggestions in reference to the employment of negroes to do much of the labor now done in and about the army by soldiers are wise, and I regret that I have no power to furnish them. If Congress would provide for calling a sufficient force of negroes for these purposes into the field, apportioning the number among the different States, it would be a judicious movement. In that case the planters of Georgia would cheerfully furnish their quota.

It is probable I may find it necessary to convene the Legislature of the State early in the spring. If so, I will submit this question for their consideration, as I

have no power to act without further legislation. I beg to renew the assurance that I will in all matters within my power render you every possible assistance.

With high consideration and esteem, I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

P. S.—I will send you a copy of the late Act of our Legislature in reference to deserters. I shall do all in my power to have it executed.

J. E. B.

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MILLEDGEVILLE, January 17, 1864.

*His Excellency*, JEFFERSON DAVIS:

General Johnston's charge of want of efficiency in the management of the State road is without foundation. The officers of the road are doing everything in their power with the means at their command. Confederate officers have taken from the State road and had lost or destroyed upon other roads over 200 cars and eight engines belonging to the road. This leaves the road short of rolling-stock. I demand that two good engines and fifty cars be returned to the road immediately by the Government, whose officers have deprived it of over four times that number. If this is done promptly General Johnston's freight can be carried. If it is refused, the responsibility must rest where it belongs.

JOSEPH E. BROWN.

DALTON, January 25, 1864.

*His Excellency*, JOSEPH E. BROWN.

DEAR SIR: I have the pleasure to acknowledge the receipt of your letter of the 16th instant, and to offer you my thanks for it.

It gives me great satisfaction to be able to tell you that the daily receipts of provisions and forage from Atlanta are now fully equal to the consumption, and if the working of the road continues to be as effective as it is now we may hope for a gradual accumulation, such as is necessary to prepare us for accidents or movements of the enemy.

I have had no intelligence from the officer sent into Mississippi, although he was dispatched immediately after your first letter reached me; nor have I heard from Lieutenant-General Polk, whom I addressed at the same time, in relation to the rolling-stock of this road taken to Corinth.

I have learned that five trains belonging to the Nashville and Chattanooga and Knoxville and Dalton roads are now east of the Savannah River and employed by the Confederate Government, and have requested the Quartermaster-General to have them returned without delay. Should this be done the transportation of all that we need will be easy. If I had control of the officers employed in procuring supplies for the army, stock-cars should not be used; the beeves should be driven. I have partially succeeded in relieving the road of their transportation by having them butchered at Atlanta. This enables us to transport in two cars an amount of beef that before required five.

Thanking Your Excellency most cordially for the promptness with which you have acted upon my suggestions, and the interest you manifest in whatever concerns this army, I am, with high consideration,

Your obedient servant,

J. E. JOHNSTON.

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MILLEDGEVILLE, January 27, 1864.

*His Excellency*, JEFFERSON DAVIS:

Let me again beg you to return to the State road at least one-fourth as much rolling-stock as Confederate officers have taken from it and lost or destroyed. This, I think, is your duty; justice to the State, to me, and to our cause requires it. If you deprive me of the engines and cars of the road and do not replace them, I can not be responsible for a failure to transport supplies to the army. Please act now, as it will be too late a month or two after this time. You have the power of impressment on company roads; I have not.

JOS. E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

January 29, 1864.

HON. JAMES A. SEDDON,

*Secretary of War.*

DEAR SIR: Your letter of the 13th instant was about

ten days on its way and reached my office during my absence in Southwestern Georgia. In reply I have to state that the troops organized under your call for six months cannot be relied upon to relieve General Beauregard. The term of service of part of them has already expired, and they have been mustered out and discharged. On the 4th of February, only five days hence, the term of nearly all the others expires, and they will also be discharged.

Your requisition and their muster-rolls called for a six-months' term from the time they were mustered in, and not a six-months' term of active duty. The law of Congress, under which you made the call, declares them to be part of the armies of the Confederacy, but gives them pay and rations only while they may be in active service. Hence the time ran in their favor from the time they were mustered in, whether in active service or not.

The failure of the Government to keep its faith with that part of the State Guard who were called out early in September last and kept constantly in the field, when no raid was approaching Georgia, and no sudden emergency called for their services, has not only seriously injured our prospect for a supply of provisions the ensuing year, but it has caused great dissatisfaction with and great distress of the Government, and has engendered a feeling which will render it very difficult to enlist another similar force in the State. During a greater portion of the time there has been no use whatever for the troops at the points where they were kept.

They were organized to repel raids, meet sudden emergencies, etc., and were promised that when they

were not needed for these and like purposes they should have the privilege to be at home, attending to their ordinary business as producers. After they were ordered into camp they were compelled to remain there during the balance of the term as regular troops. While they were thus kept in camp eating out our too limited supply of provisions, and were deprived of the privilege of sowing their wheat and preparing for another crop, they saw no enemy, there was no raid, no sudden emergency, and no use for their services. They felt and knew that this was a violation of both the letter and spirit of the contract. In their behalf I protested against it, but to no effect.

If we expect to continue to conduct the war successfully we are obliged to have a producing class at home as well as a fighting class in the field. The one is as indispensable as the other. We are already cut off from a large part of the most productive lands in the Confederacy, and we must fail to keep up our supplies if the productive interests of the portion we yet hold are seriously crippled. Thus far the State of Georgia has been able to meet the calls made upon her without paralyzing to a very great extent her agricultural interests, except in that part of the State where there are but few slaves. But I feel it my duty to inform you that we shall not be able to meet the increasing demands made by the Confederate Government through its conscript officers, and spare a large additional force for constant service in or out of the State without so crippling the planting interests that a support cannot be made another year for the army and the people of the State.

Many of our fields now lie uncultivated, and if large

additional levies of troops are to be made for constant service, many more must be neglected. How, then, are we to make a support for another year?

I have lately been through the upper, middle and southwestern portions of the State, which are its most productive portions, and I tell you in all candor that the country is becoming so far drained of supplies that if relief cannot be had from some other source, I do not see how it is possible to supply the people and the army with bread till another crop is made, while the supply of meat is entirely inadequate.

The cattle have been so generally taken for the army as to leave a still less encouraging prospect for meat another year, and if heavy calls are to be made for troops to be taken from the agricultural pursuits the prospect for bread will indeed be gloomy.

If it is the policy of the Government to put the whole people, or any great additional number of them, into military service, the struggle for the future must necessarily be short. We cannot expect to conquer the enemy in a few months, and if we fail to make a crop it is only necessary for them to continue the war till we consume our provisions, and they must conquer us.

But you may inquire how, then, we are to get troops to meet the large armies of the enemy. It is not my wish to dictate, nor do I desire to annoy you by voluntary advice, but in view of the perils which surround us, and the responsibility of my position as the Executive of one of the States of the Confederacy, I venture to suggest that it would be infinitely better to make but little further drafts upon the producing class, and put the troops whose names are now on the muster-rolls, and

who are in the pay of the Government, and especially the almost countless swarm of young, able-bodied officers, who are to be seen on all our railroad trains and in all our hotels, into the army—a place where many of them are seldom found. This would increase the armies from 25 to 50 per cent. and make them strong enough, if well fed and sustained, to meet, with all the advantages which we as the invaded party possess, any force the enemy will be able to bring against us. Almost every little railroad village has become a military post, and a number of officers in brass buttons and gold lace can be seen idling about, each out of the reach of danger, with troops enough to supply each with a command. The Quartermaster's and Commissary Departments are thronged with able-bodied men, subject to conscription or detailed from the army, who are acting as clerks, purchasing agents, impressment agents, etc. From these and similar causes 50 per cent. of the army are not in camp to answer to roll-call, and further drafts must be made upon the producing class to supply the places of the absentees, who ought to be kept at their places in the army.

It is easy to foresee the results of this policy if persisted in. As the enemy has over three times as many men able to do military service as we have, it is impossible for us to keep in the field as many troops as he does. Nor is this necessary. As the invaded party, having the inner lines of communication and other advantages incident to our position, if our people are united and determined and our Government acts with wisdom and prudence, we can defend successfully against a vastly superior force in point of numbers.



In conclusion, I have only to state that Georgia has always done her whole duty and furnished more than her full share of men and means, and I doubt not she will still do her just part to the utmost of her ability as long as the enemy desecrates the soil of the Confederacy.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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DALTON, February 10, 1864.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor:*

I have delayed thanking you for your letter of January 29, in the hope of receiving favorable intelligence in relation to the rolling-stock of the State which had been removed by military authority. None positive has yet reached me, however. Major Goodwin, of the Quartermaster's Department, who was sent to Mississippi for the purpose, reports that a large number of cars have been brought out by him, among them twenty-five of yours.

The Quartermaster-General informed me that the trains sent east of the Savannah River were not, as had been reported to me, employed in the transportation of cotton, but of provisions for the Army of Virginia, and that they are absolutely necessary for that object.

The chief Quartermaster of this army reports that since the middle of January the trains on the road between this point and Atlanta have been run regularly,

bringing to us without delay in Atlanta all our stores received at that place.

I have applied to General Beauregard to permit engines and cars of the Macon and Savannah road to be lent to transport forage to us to Atlanta. The transportation of long forage is our greatest difficulty. One of our quartermasters, who is a railroad engineer, thinks that the performance of this road might be greatly increased by a change of the running schedule of the freight trains, such as to require them to run at night. He says that the trains from Dalton, after reaching Atlanta, remain there thirty-six hours, when twelve would be a sufficient time. I thank Your Excellency for the intention you express of issuing orders to your troops to assist us in bringing back to the ranks deserters and other absentees. Those orders I doubt not will be very efficacious, and restore many men to their regiments.

Most respectfully, your obedient servant,

J. E. JOHNSTON.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

February 10, 1864.

GENERAL JOSEPH E. JOHNSTON,

GENERAL: By a letter from Major-General Walker my attention is again called to the importance of proper provision for your transportation. I have already advised you of the heavy losses which the State road has

sustained by the loss and destruction of its rolling-stock while on other roads under the command of Confederate officers. You have been so kind as to offer to do all in your power to have part of our engines and cars returned to the road. In this I trust you may succeed. I also hope that you will continue to insist that the cars and engines belonging to the Tennessee roads be returned and placed in the service for the supply of your army.

I have written the President demanding the immediate return to the State road of two good engines and forty good cars, which is less than one-fourth of the number of which the road has been deprived by the Confederate Government. I have received no reply to this request, and fear that from some cause the President may neglect to comply with this reasonable request. One of my objects in addressing you this letter is to beg you to urge upon the President's consideration the importance of this subject. Justice to the State of Georgia, to you, and to your gallant army requires that Mr. Davis shall neither disregard nor neglect this requirement. When the spring campaign opens, if you are re-enforced, as you should be and as the country have a right to expect, it will not be in the power of the officers of the State road to transport all your necessary supplies without more rolling-stock. Again, suppose the fortunes of war turn in your favor, as I pray God they may, and you should be able to advance into Tennessee, it will be utterly impossible with our present limited number of cars and engines to furnish you the stock to run on either of the Tennessee roads.

At the commencement of the war no road in the Con-

federacy had a better outfit of rolling-stock than the State road, but on account of its locality and its immediate connection with the Western roads, which had more limited capacity, constant calls were made upon us for engines and cars. We always responded to every call. The result has been our heavy losses above mentioned. And now, without pretending to return even part of the rolling-stock of which they have deprived us, there is a willingness at Richmond to cast all the blame upon the State authorities, if there is any defect in the transportation. If Mr. Davis will return half of what he has taken from us we can transport any and everything that may be offered to be carried over the State road. If he deprives us of what we have and refuses to return any portion of it on demand, you see at once the impossibility of our meeting the heavy drafts likely to be made upon us. It may be thought that the State should have replaced the rolling-stock taken by the Confederate Government by having new engines and cars made. You will readily see the impossibility of this when you reflect that we have been unable to import such heavy material through the blockade and that the Confederate Government has had control of all the iron mills and almost all the foundries in the Confederacy. The officers of that Government, however, refused to let us get a supply of iron from the Etowah Works near the road for our ordinary repairs when we were hauling all the coal that kept the works going, and it has been with great difficulty that we could secure the supply. Indeed, we must have failed had it not been for the action of General G. W. Smith, whose sense of justice in this, as in other matters, caused him to determine to serve the road and the State which properly had the highest claim

upon the works of which he was president. But I will not trouble you by further remarks upon this subject. I will only add that it is a matter of imperative necessity that the rolling-stock on the road be increased before the spring campaign opens, and the Tennessee rolling-stock be returned before any advance movement is attempted. I receive daily reports from the officers of the road, and they ship regularly all that your officers offer.

Renewing the assurance of my determination to do all in my power to serve you, and of my high esteem, I am, your obedient servant,

JOSEPH E. BROWN.

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OFFICE OF CHIEF DISTRICT COMMISSARY,

ATLANTA, GA., February 13, 1864.

COL. L. B. NORTHPROP,

*Commissary-General of Subsistence,*

Richmond, Va.:

COLONEL: I beg leave to inclose copies of a dispatch from Major French yesterday and my reply. In this connection I inclose the correspondence between Governor Brown and myself, embracing my letters of January 18 and February 1, and his replies of January 28 and February 6, and my rejoinder of February 12. Upon these premises I propose to give you a succinct statement of the facts in the case. Some three months since Mr. R. P. Glenn, of the firm of Glenn, Carr and Wright, vis-

ited Richmond and proposed to distill whiskey for this department, giving one gallon of whiskey for every bushel of corn turned over to them. This agreement met with your approval and was entered into by me. I regarded it as the best that could possibly be made for the Government, the cheapest, and in fact the only method by which a supply could be secured for this department. Many, I may say hundreds, of contracts have been made to pay a stipulated price for whisky for this and other departments. They all led to an abuse of distillation, a failure to furnish the required quantity, which was in nearly every case attributed to the inability to procure grain. Of course when the grain is furnished no such excuse can be made. This plan, therefore, seemed to me the only reliable and practicable plan by which the wants of the department could be supplied. I thereupon made several other contracts upon the same terms. Soon afterward I was informed that the statutes of this State required the entire product of the grain to be furnished to the Confederate States Government. I at once amended all contracts not in accordance with the statutes, requiring all whisky made from the grain turned over to the distiller to be furnished me, I paying a stipulated price, in no case exceeding that established by the commissioners for any excess over five quarts to the bushel in most cases, and one gallon in the rest. As the correspondence shows, General Johnston held a conference with me and thought it advisable in certain contingencies to increase the supply of whisky to the army to content them with a deficiency of meat, which was then creating great dissatisfaction. I thereupon addressed my letter of 18th to Governor Brown. After receiving his reply of 28th I sent my letter of February 1, simply with

a desire to know whether he (or the State of Georgia) would interfere with the distillation of grain belonging to the Government. This letter brought out his extraordinary communication of February 6. My first impulse was to reply in the same tone and spirit in which it was evidently conceived and written. A sense of duty, however, to my position, dictated my reply of the 12th, and here the correspondence now rests.

I wish now to state a few facts for your consideration. When the President was here some months since Governor Brown urged upon his aide, General Lee, the propriety of declaring all North Georgia impracticable, *i. e.*, unable to furnish the tax in kind, or any other supplies, without distressing the inhabitants. Consent was given after some debate that certain counties should be so declared. Since the prospect of occupation by the enemy, and especially since the orders authorizing me to pay the market price for supplies, the patriotic citizens of these counties have astonished me with their hidden treasures which they wish to sell or exchange for the same kind in the lower portion of the State. To be sure, the quantity is utterly inadequate to the supply of the army, but enough to satisfy my mind that when soldiers' families suffer for bread it is solely because the soldier's pay of \$11 per month is not sufficient to pay the prices which these patriotic farmers have fixed upon their provisions. Below here thousands upon thousands of bushels of corn belonging to the Government will be lost for want of transportation unless it can be distilled and the slops used in feeding hogs and cattle. The weevil proved our friend last year in forcing the farmer to send his corn to market. This war it is proving our bane.

Thousands of bushels collected from the tax in kind have come to this place weevil-eaten and only fit for making whisky. The corn was supposed to be of the last crop. On its arrival it has proved to be corn grown the previous year, evidently hoarded and then substituted for just dues to the Government. From this stuff what can we expect to obtain except whisky, and what can we expect from the tithings of another year, unless those of the present are collected promptly and disposed of? In God's name, say I, give the army and the people all the bread they want, but let not the surplus be wasted and lost, and let enough be converted into whisky to supply the actual wants of the army.

I say nothing more of the part I have taken in this matter except that I have tried to do my duty. In common with other departments I have experienced unlooked-for opposition from the State authorities. They seem bent on subordinating the best interests and success of the Confederacy to their self-conceived notions of justice and patriotism, and an insane desire to preserve the material interests and welfare of all citizens. My report of persons employed by me you will receive in a few days, through Major Locke.

Very respectfully, etc.,

J. F. CUMMINGS,

*Major and Commissary of Subsistence.*



[Inclosure No. 1.]

RICHMOND, February 12, 1864.

MAJ. J. F. CUMMINGS:

Have you made any contracts for the manufacturing of whisky? If so, upon what terms? Reply immediately by telegraph.

By order of Commissary-General.

S. B. FRENCH,

*Major and Commissary of Subsistence.*

[Inclosure No. 2.]

ATLANTA, February 12, 1864.

MAJ. S. B. FRENCH,

Richmond, Va.:

I have contracts for about 3,000 gallons whisky per month. Terms, five quarts whisky for bushel corn, and the excess to be furnished me at commissioner's price. I estimate the cost not to exceed \$4 per gallon, and all whisky distilled by my contractors to be turned over to the Government. I write by mail.

J. F. CUMMINGS,

*Major and Commissary of Subsistence.*

[Inclosure No. 3.]

OFFICE OF CHIEF DISTRICT COMMISSARY,

ATLANTA, GA., January 18, 1864.

His Excellency JOSEPH E. BROWN,

Milledgeville, Ga.:

SIR: I have just returned from the front, where I have held a consultation with General Johnston about feeding the army. In the frequent want of animal food he has determined to issue rations of whisky, and to do this it is necessary for me to make contracts for the same in large quantities. I have already made several, and in all cases require contractors to furnish me the entire product of the grain turned over to them. My object in addressing you is to ascertain if, under the statutes of the State, any other steps are necessary to enable my contractors to carry out their agreements. Please answer at your earliest convenience, as the demands upon me for whisky are urgent and beyond my present means of supply.

Very respectfully, your obedient servant,

J. F. CUMMINGS,

*Major and Commissary of Subsistence.*

[Inclosure No. 4.]

OFFICE OF CHIEF DISTRICT COMMISSARY,

ATLANTA, GA., February 1, 1864.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor, Etc., Milledgeville, Ga.:*

SIR: Yours of 28th received. I do not propose to use any but the corn of the tax in kind belonging to the Government in making whisky near the railroads and navigable streams. Will you please inform me at your earliest convenience whether you will attempt to prevent the distillation of grain belonging to the Confederate States Government, being receipts from the tax in kind, whenever and wherever they may deem proper? The army needs the whisky, and I am now unable to respond to the calls upon me.

Very respectfully,

J. F. CUMMINGS,

*Major and Commissary of Subsistence.*

[Inclosure No. 5.]

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

January 28, 1864.

MAJ. J. F. CUMMINGS,

SIR: In reply to your letter I state that the laws of Georgia will not tolerate any such consumption of grain

by distillation as you propose. When the country is so hard pressed for bread I shall order the prompt prosecution of every man who runs a still without a license from the State, and I shall grant no license to stills in Upper Georgia. The law only authorizes me to grant license to distill a small additional quantity by Confederate distillers, and these must be located in Southern and South-western Georgia, over twenty miles from a railroad or navigable stream.

Very respectfully,

JOSEPH E. BROWN.

[Inclosure No. 6.]

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

February 6, 1864.

MAJ. J. F. CUMMINGS,

SIR: Your letter inquiring whether I will "attempt to prevent the distillation of grain belonging to the Confederate States Government, being receipts from the tax in kind, wherever and whenever they may deem proper," is received. In reply I have to state that it is as much a violation of the penal laws of this State for any person, no matter what his position may be, to distill Government corn in this State without a license from the Governor as it is to distill the corn of a citizen or to commit the crime of theft or swindling; and while I am responsible as the Executive of the State I shall attempt to execute her criminal laws as well as her civil. The Legislature of this State by express statute provided how

much whisky and alcohol might be made of grain within the limits of the State for the Confederate Government, with the license of the Governor, but made it highly penal for any to be made without such license, and limited the quantity beyond which the license should not be granted by the Governor. It is therefore as much a violation of the criminal laws of this State for a Confederate officer to make whisky without a license as it is for any other person to do so. The ownership of the corn has nothing whatever to do with the question. You seem to think that because the corn is tithe corn the Government agents may distill it in violation of the criminal laws of the State without guilt. If so, why may they not distill corn purchased by the Government; and if they may do this, why may they not distill any which they choose to impress? The Government claims the ownership of the corn in the one case as well as the other. If it may distill tithe corn it may impress the bread out of the mouths of the wives and children of soldiers and distill that also. No such pretensions will be acquiesced in a moment by the State.

You say the demand for whisky for the army is heavy. I reply, the demand for bread in the army and at home is much greater. One thing is very certain, there is not corn enough in the country to furnish the people and the army with rations of bread and whisky. One or the other must be dispensed with, and in my judgment no man connected with the army, unless he is a toper, or expects to make money out of the distillation, can hesitate to decide in favor of bread. If the question is left to the decision of a soldier who is a man, whether he shall have his drink of whisky in camp or his wife and children shall have bread at home, there will be no hesitation. He will de-

cide in favor of bread. I have lately been through Upper, Middle, and Southwestern Georgia, and have observed closely, and I am quite sure the prospects of suffering for bread are alarming. In this state of things I feel that I should merit the censure of all good men if I were to allow more corn distilled into whisky than is actually necessary for hospital purposes. What whisky is made under license hereafter to be granted must be made in Southern or Southwestern Georgia, and made as the statute requires—of grain grown over twenty miles from a railroad or navigable stream. If the Government converts the tithe corn of Upper Georgia into whisky, it must take from the people by impressment as many bushels as it thus destroys for the use of the army. Hence the mischief is just as great as if it is distilled corn which its officers have impressed.

Another very serious objection to leaving this matter to your discretion is, if I am not incorrectly informed, that you consume one and one-half times more corn than is necessary. I am informed that the rule is to deliver the Government corn to the distiller, and receive in exchange for a bushel of corn one gallon of whisky—possibly in some cases five quarts. Persons who are practical distillers tell me that a bushel of corn will make two and one-half gallons of as good whisky as is now generally selling in the market at about \$50 per gallon. Thus you give the distiller, if no Government officer has any part of the profits, \$75 per bushel to distill the Government corn, as he can make one gallon for you and one and one-half for himself. Suppose the Government wants 25,000 gallons of whisky. This can be made of 10,000 bushels of corn. Then why distill 25,000 bushels of corn to get 25,000 gallons? Why not consume only

10,000 bushels of corn and pay the distiller a reasonable compensation in money and leave the other 15,000 bushels for bread? If these kinds of contracts are continued while the poor are suffering for bread, the country will ask, and have a right to an answer, why it is so.

The laws of Georgia and regulations of this department have wisely, I think, provided against this kind of favoritism or fraud. They require the distiller who has a license to distill for the Confederate Government, to deliver every gallon made out of the grain to the Government, and allow him to retain none of it for speculation. The Government pays him a stipulated price in money for his labor, and he is required before he gets the license to file his affidavit in writing that he will make no more than is mentioned in the license, and that he will deliver it all to the Government. Why should a Confederate officer object to having the distiller put upon these terms, and prefer to give him a bushel of corn for a gallon of whisky? He who does so object and attempts to engage in or encourage such unreasonable speculation, if not speculation, in defiance of the penal laws of this State, must expect to suffer the penalties which the law prescribes. If you have occasion to complain of this decision to your superior officers, you will be expected to furnish them a copy of this letter.

Respectfully,

JOSEPH E. BROWN.

[Inclosure No. 7.]

OFFICE OF CHIEF DISTRICT COMMISSARY,

February 12, 1864.

His Excellency JOSEPH E. BROWN,

*Governor, Etc., Milledgeville, Ga.:*

SIR: I have the honor to acknowledge the receipt of your communication of 6th instant, which has been carefully noticed. I am convinced from the tenor of your letter that you have entirely misconstrued both my motives and action.

On the eighteenth of January I addressed you a plain inquiry, and stated that my contractors would be required to furnish me the entire product of all grain turned over to them. My subsequent communication of February 1 I addressed to you to obtain further information, and not with the most remote idea of aiding or abetting in setting at defiance the laws of the State. My letters were conceived and, as I think, couched in respectful and courteous language. Their aim was to avoid any confusion or clashing between the State and Confederate authorities, and if possible secure such concert of action as would enable me to carry out the orders received at headquarters. Since I have been a commissioned officer I have ever tried to devote my energies and industry to a faithful discharge of the arduous and often thankless duties of my position. I am satisfied from the tone of your letters that my operations have been misrepresented to you and my motives impugned, and therefore write to disabuse your mind on this point.

My first contracts, not having been in strict accord-



ance with law, were amended so soon as I was advised of the fact by our mutual friend, Major Steele. None have since been made that did not, as I conceived, conform strictly to the statutes of the State. My contracts altogether thus far would not consume over 3,000 bushels of corn per month, a large portion of which will be refuse and weevil-eaten and wholly unfit for bread or stock feed. I expect to feed Government stock, hogs and cattle, with the slops, which are better for them than the corn before distillation. My object in all cases is to use corn not fit for bread, and as far as possible place distilleries in localities where it could not be moved out and would be destroyed and lost to the Government.

With this statement of facts, I beg leave to say that any insinuation of complicity in fraud and corruption on my part are false and slanderous, and I should be obliged to you for the names of the parties who have made them, at your earliest convenience, in order that I may properly vindicate myself. Our mutual friend, General Foster, thinking that there was a needless waste of grain in making whisky, addressed a letter to the Secretary of War, which was subsequently referred to me. I have had an interview with him, and he is now satisfied with the terms of my contracts and will write you on the subject.

Very respectfully, etc.,

J. F. CUMMINGS,

*Major and Commissary of Subsistence.*

EXECUTIVE OFFICE,

RICHMOND, VA., February 17, 1864.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

DEAR SIR: Your letter of January 28, with reference to the Western and Atlantic Railroad, also your telegrams of January 17 and 27, referring to the same subject, have been carefully considered and referred to the Quartermaster-General for report. In your telegram of the 17th ultimo it is stated that the charge made by General Johnston of want of efficiency in the management of the railroad is without foundation; that "Confederate officers have taken from the State road and had lost or destroyed upon other roads, over 200 cars and eight or ten engines belonging to the road," and it is demanded that two good engines and forty cars be immediately returned "by the Government whose officers have deprived it of over four times that number."

Your letter of the 28th mentions that—

"General A. S. Johnston before the battle of Shiloh ordered the cars and engines of the State road carried to Corinth, with troops and supplies for his army. Before these engines and cars were returned the enemy occupied Huntsville and cut off all communication by railroad, and we lost several of our best engines and over 100 good cars. Our cars have been taken off under military direction, and lost in Virginia and in Middle Tennessee, and

quite a number in Lieutenant-General Longstreet's service."

And further:

"By the exercise of great energy the officers of the road are now able to supply the want of General Johnston's army, but I do not wish you to be under the erroneous impression that this can be done with the present limited means at command, and when it becomes necessary, as it must soon be, for you to re-enforce that army, if we do not get back part of our rolling-stock, or other stock in its place, it will not be possible to transport your supplies."

The following extracts are from a letter dated the 9th instant to the Quartermaster-General from the officer in charge of the Railroad Bureau at Richmond. He is speaking of the Western and Atlantic railroad:

"I have before me the annual reports of the officers of this road to Governor Brown for the years 1861, 1862, and 1863, in each of which is a table giving the maps and conditions of the engines owned by this road. A comparison of 1861 and 1863 exhibits the fact that no loss of engines has occurred, the inventory of 1861 naming forty-six machines, and that for 1863 reporting the same number and names, and in four instances where the names have evidently been altered. The fiscal year of this road ends September 30, so that the last report comes down to a period of only four months ago. \* \* \* The reports of 1862 and 1863, though both alluding to a loss of 180 cars, neither of them refer to the loss of an engine. It does not appear probable that an officer so vigilant in detecting the loss of cars would overlook the loss of so valuable a piece of property as an engine, and it is still more

improbable that for two years the loss of such machines should be totally ignored by the master of machinery, who reports them not only all present, but goes into detail statement of their condition. \* \* \* General Bragg's army was at Chattanooga, thirty-eight miles farther than General Johnston's at Dalton, and yet with the same equipment the army was supplied. \* \* \* To show you what the capacity of this road was on the 30th or September last, and it is to be presumed that no material change has taken place since, I would ask your attention to the following exhibit of the number and condition of its engines in 1861 and 1863:

	September 30—	
	1861	1863
In good order -----	36	20
In running order -----	—	11
In repairing -----	2	8
Needing repair -----	6	4
Rebuilding -----	2	—
Condemned -----	—	3
	<hr/>	<hr/>
Total -----	46	46

This road is being worked 100 miles, and to run two passenger trains daily would require six engines. Four more are necessary to do the work of the road, such as switching, repairing, etc. This leaves twenty-one of the thirty-one ready for work last September for freight service: and allowing three days to make a trip, which would be easy work, seven freight trains daily could be sent to Dalton. The trains would average at a low estimate twelve cars each, giving General Johnston the ca-

capacity of eighty-four cars, equal to 21,000 bushels corn daily. I am quite sure that there will be plenty of cars found to do the work, if any degree of energy is exhibited in loading and unloading and moving them promptly. It is my opinion that this road still owns over 300 cars. \* \* \* The cotton trains running to Wilmington, which have been so often referred to, are engaged in very important work, which must cease if they are removed. If circumstances render their aid necessary in General Johnston's department, they can be sent there on a few days' notice. They are not needed now, for General Johnston writes "that if the working of the road continues to be as effective as it is now, we may hope for a gradual accumulation such as is necessary to prepare us for accidents, or movements of the army." \* \* \* I am confirmed in my opinion that this road, as it to-day stands, can meet every reasonable demand upon it; and even were the road open to Chattanooga, with good management it would supply General Johnston were he at that point.

On the 10th of February Major Hottel reports that bountiful supplies of everything but long forage are going forward to the army, and that that is going forward in considerable quantities. During the past month General Johnston has complained only of deficiencies in receipts by railroad of long forage. Upon the receipt of General Johnston's telegrams in the early part of January urging an improvement in the management of the railroad, I directed the Quartermaster-General to ascertain if there was any rolling-stock that could be spared from other roads, desiring, irrespective of the claim upon the Government for rolling-stock destroyed or lost,

to render every possible assistance that might be required, but the reply from the chief of the Railroad Bureau was that there are "no engines nor cars in the Confederacy in repair that are not in constant use." The recent reports encourage me to hope that the Western and Atlantic Railroad may hereafter be able to meet the demands upon it. Should it, however, prove to be otherwise, every exertion will be made by the Government to furnish what is needed. It is foreseen that all of the railroads of the country must be subjected to some embarrassment from the wear and occasional destruction of their rolling-stock, and that constant effort will be required to replace such losses by repairing and building new engines and cars.

Very respectfully yours,

JEFFERSON DAVIS.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT.

RICHMOND, VA., February 23, 1864.

His Excellency J. E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

SIR: Your letter of the 29th ultimo has been received. The important business that has engaged the attention of the Department during the present month, in connection with Congress, has prevented me from affording a reply to it before this time. The reply shall be made without any reference to the acrimonious lan-

guage you have thought proper to address to the Department.

The severe losses sustained in different portions of the Confederacy during the campaign of the last spring, from the cavalry raids of the enemy, and the critical condition of our affairs in Mississippi and Tennessee, impressed me with the conviction that a thorough organization of the reserve forces of every State had become necessary to avert similar disasters.

On the 6th of June last I addressed a communication to the Executive of each of the States east of the Mississippi River, inviting their co-operation in the attainment of this desirable object. The plan of organization proposed was described in that letter; also in a letter of the 19th of June, and in the published orders of the Department of the 22d of June ultimo.

The plan was to organize all the population not liable to military service under the acts of Congress, usually designated as conscription acts, in companies and regiments under the acts of Congress to provide for the local defense. The companies thus formed were not to be called into service unless they were actually needed; were to serve only while the emergency lasted, and were then to be dismissed to their homes. To secure these organizations a requisition was made for a quota of militia from each of the States, but with the declaration that these militia troops were not preferred, and that the call for militia would be fully answered if companies for the local defense were organized. In my telegram to you of the 12th of June I say:

“Organizations under the law of the Provisional Con-

gress are preferred mainly because of their longer term of duration and greater adaptation for ready call, or temporary service, and then for dismissal to their ordinary pursuits. The militia called out for even a limited time would be continuously in the field. Besides militia corps, if they could be called out so temporarily, might be considered by the enemy as State troops, not, in their construction, entitled to exchange. If, however, the organizations are not formed in adequate numbers, militia, on the plan proposed by you or in the usual way, will be accepted."

On June 16th I informed you that the privilege of organizing companies for local defense, and of tendering them to the President for acceptance, is allowed to the people by the act of Congress. I am not authorized to restrict or deny it. If you will undertake to direct such organizations, and can thus obtain the whole number required in Georgia for the purpose explained, I will thankfully accept your aid, and from this time leave the matter in your hands for execution.

The authority thus confided was confided at your request, and the organizations completed in Georgia have been made under your superintendence. That the expectations of the Department were not fully answered as to the character of the organization to be formed is quite apparent, and the returns of the muster-rolls for Georgia have been so tardy that the Department has been left in ignorance for much of the time as to the nature and strength of the organizations actually made.

For a portion of the time you have claimed that these organizations were militia organizations, and were to be commanded by State officers.



The Department has accepted, with thankfulness, the co-operation you proffered, and that it has not realized from it its entire expectations, or hopes, has been rather a matter of regret than for censure or complaint. That an organization of the whole military strength of Georgia had become necessary for the defense of the State, the events that have occurred since June last sufficiently attest. The fall of Vicksburg and Port Hudson; the defeat sustained by our troops at Jackson and Gettysburg; the evacuation of Tennessee by Generals Bragg and Buckner; the accumulation of force by the enemy on the coast of South Carolina and Georgia, and the concentration of the army of General Grant at Chattanooga, have all contributed to menace Georgia with an invasion of a very formidable character. The invasion actually took place; and but for the advantage obtained by our troops at Chickamauga the most fatal consequences may have ensued. Nor has the Department at any time felt that degree of security in respect to the sea-coast of Georgia that authorized any diminution of the force collected for the defense of Savannah. The situation on the frontier of Georgia for the last six months has all the time been so critical that a judicious administration did not justify the disbanding of any troops under the control of the Department.

I have no disposition to depreciate the importance of a full supply of provisions for the army and people. No one can be more profoundly impressed with the existence of the necessity than myself. The duty imposed upon the Department of reconciling the claims of the different branches of service for support is among the most difficult and delicate that it has to perform. That undue preference has not been given to the army is

evinced by the fact that the disasters it has sustained have been owing principally to the deficiency of its numbers. In consequence of the inability of this Government to maintain the numbers of the army to that standard that would enable it to compete with that of the enemy we must ascribe the lamentable condition of many parts of the Confederacy at this time which are in his occupation. Congress, in view of this fact, has been continually employed in increasing the draft from those employed in industrial pursuits to fill the diminished ranks of the army. The Department may regret the necessity for this, but unless the cause of the Confederacy is to be abandoned it can see no other course for it to pursue than to execute the laws passed by Congress in the spirit with which they have been made. A cordial acquiescence and support of that legislation is called for by every motive of patriotism, every sentiment of loyalty, and every consideration of public honor and private interest.

Very respectfully yours,

JAMES A. SEDDON,

*Secretary of War.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., February, 28, 1864.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

YOUR EXCELLENCY: On the recommendation of General Lee, and from the disadvantages found to result to

the service from the absence of officers who [are] likewise members of the Legislature, it has been concluded not to grant furloughs to attend the sessions. Officers so situated are entitled to resign, and may so elect.

J. A. SEDDON,  
*Secretary of War.*

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ATLANTA, March 5, 1864.

HON. JAMES A. SEDDON,  
*Secretary of War:*

DEAR SIR: In obedience to your instructions I returned home after the adjournment of Congress and proceeded at once to encourage the raising and organization of volunteer companies, battalions, and regiments, to be composed of persons between seventeen and eighteen and forty-five and fifty years of age, under the late military bill for State defense, etc. I wrote Governor Brown, asking his co-operation, and inclose herewith an exact copy of his reply, from which it appears that the question of the propriety of the proposed organization of this class of troops will be submitted to the Legislature, soon to assemble in extra session. In my efforts to get volunteers I find the young men disposed to come promptly forward, but the men over forty-five, with few exceptions, refuse to volunteer, giving as a reason that it will be time enough to do so when called out by order of the President. In view of this state of affairs I beg to suggest that it would greatly facilitate volunteering if the President would issue his order allowing a limited

time within which to volunteer, and upon failure to do so to be enrolled. I have about twenty companies in process of organization, and hope to be able to send you before the expiration of the present month the muster-rolls of two or more regiments. Please send me such instructions as may be necessary, and if deemed advisable submit this letter and enclosure to the President.

With sentiments of highest esteem,

I have the honor to be, very respectfully,

Your obedient servant,

LUCIAS J. GARTRELL.

[First indorsement.]

March 12, 1864.

Respectfully submitted to the President for information as to the views of Governor Brown, of Georgia, in relation to the reserve forces.

J. A. S.

*Secretary.*

[Second indorsement.]

The law is our guide. Has not the call been made and a term allowed for voluntary organizations?

J. D.

[Third indorsement.]

March 19, 1864.

To Conscript Bureau with the President's inquiry and report for reply.

J. A. S.

*Secretary.*

[Fourth indorsement.]

BUREAU OF CONSCRIPTION,

RICHMOND, March 24, 1864.

Respectfully returned to the Secretary of War, and attention invited to paragraph XIX of Circular No. 8, from this Bureau.

JNO. S. PRESTON.

*Colonel and Superintendent.*

[Inclosure.]

MILLEDGEVILLE, March 1, 1864.

COL. L. J. GARTRELL:

DEAR SIR: In reply to your letter I state that I can make no statement about the enrollment of men between forty-five and fifty till I know the pleasure of the Legislature soon to assemble. When last in session they passed an act directing me to have enrolled all such for State defense, and I do not know that they will recognize the right of the Confederate Government now to take them all out of the hands of the State. If conscription is legal and constitutional, as our courts hold, for raising armies in the proper sense of that term, it does not follow that Congress is authorized to take into its own hands the internal police regulations of the States and deprive the States of the power to execute their own laws or to suppress internal insurrections.

I am, very respectfully, etc.,

JOSEPH E. BROWN.

## EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

March 22, 1864.

HON. JAMES A. SEDDON,

*Secretary of War Confederate States of America:*

SIR: The General Assembly of the State of Georgia has passed a resolution, a copy of which is herewith transmitted, in which they decline to express any opinion as to the wisdom of the act passed by Congress enrolling such persons as had been enrolled under the State laws, and recommended that I as the Executive interpose no obstacle to its enforcement, and also requesting me to open a correspondence with you and request you to exonerate from the penalties of said act such persons between the ages of seventeen and eighteen, and forty-five and fifty who did not volunteer or enroll within the time specified, supposing their enrollment under the State law to be legal.

Having given my views upon this question in my message to the General Assembly and submitted it to their decision, I yield to their recommendation.

An act was passed by the General Assembly of this State, approved December 14, 1863, to reorganize the militia of the State of Georgia, which required the enrollment of all male white residents who were then or who should be of the age of sixteen years, and not over sixty years, for military service, according to the provisions of said act, which enrollment was immediately ordered and made; after which Congress passed an act declaring that "from and after the passage of the same,

all white men, residents of the Confederate States, between the ages of seventeen and fifty, shall be in the service of the Confederate States during the war."

Under the fifth section of said act it is made "the duty of all white residents of the Confederate States between the ages of seventeen and eighteen and forty-five and fifty to be enrolled within a certain time, and any person who shall fail to enroll himself without a reasonable excuse therefor shall be placed in service in the field for the war."

Instead of constituting a reserve for State defense and detail duty, these persons, honestly believing that as both acts required the same State defense, and as they were enrolled by State authority for that purpose, it was legal, failed to enroll themselves in Confederate service, which, I think, "is a reasonable excuse therefor." I therefore respectfully request that they be allowed thirty days after notice given to volunteer, organize and elect their officers. And as it is important that your decision be made known immediately, with your consent I will publish your reply to this letter if you conform to the wish of the General Assembly and grant the privilege requested for the persons now made subject to enrollment.

Very respectfully,

JOSEPH E. BROWN.

[Inclosure.]

A RESOLUTION in relation to the recent Military Act of Congress.

*The General Assembly do resolve*, That this General Assembly, declining to express any opinion as to the

wisdom of the act passed by Congress enrolling such persons as had been enrolled under the State law, recommend that His Excellency enterpose no obstacle to its enforcement, and the Governor is requested to open a correspondence with the Secretary of War and request him to exonerate from the penalties of said act such persons between the ages of seventeen and eighteen and forty-five and fifty who do not volunteer or enroll within the time specified, supposing their enrollment under the State law legal.

PETER CONE,

*President pro tem. of the Senate.*

L. H. KENAN,

*Secretary of Senate.*

THOMAS HARDEMAN, JR.,

*Speaker House of Representatives.*

L. CARRINGTON,

*Clerk House of Representatives.*

Having given my views upon this question in my message to the General Assembly and submitted it to their decision, I yield to their recommendation. This 22d of March, 1864.

JOSEPH E. BROWN.

*Governor.*



SECRETARY OF STATE'S OFFICE, GEORGIA,

MILLEDGEVILLE, March 22, 1864.

I certify that the above is a true copy of the original resolution now on file in this office.

Given under my hand and seal of office.

N. C. BARNETT,

*Secretary of State.*

[First indorsement.]

MARCH 31, 1864.

CONSCRIPT BUREAU:

Under your regulations no penalty has yet been incurred, has it? Suggest anything you wish included in answer to the Governor.

J. A. S.,

*Secretary.*

[Second indorsement.]

BUREAU OF CONSCRIPTION,

RICHMOND, April 2, 1864.

Respectfully returned to the Secretary of War.

The instructions of this Bureau, under sanction of the Secretary of War, to the commandant of conscripts for Georgia allow until the 1st of May for the enrollment of the classes indicated by Governor Brown. This en-

tirely exonerates these classes from the penalty provided by Congress, and seems to meet Governor Brown's recommendation.

JNO. S. PRESTON,

*Colonel and Superintendent.*

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WAR DEPARTMENT,

April 7, 1864.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: I have the honor to acknowledge your letter inclosing a resolution of the General Assembly of Georgia recommending that no obstacle be interposed to the conscription under recent laws of the Confederate Congress of such persons as have been enrolled under the State laws, and desiring that the Secretary of War of the Confederate States be requested to exonerate from any penalties imposed by the Confederate law on such persons so enrolled as had failed to comply with the called-for enrollment under the Confederate law within a specified time.

While I will not disguise the feelings that even greater satisfaction would have been experienced from the cordial approval by your General Assembly of the wisdom of the Confederate law, yet it is gratifying to have the evidence afforded by the resolution of the Assembly of the spirit of harmonious co-operation and patriotic zeal that animated their deliberations. I take

pleasure in responding to their request, that on reference to the Conscript Bureau, which is charged with execution of the Confederate law, I am informed that no measures have been taken which as yet have imposed penalties on those enrolled under the late law, and that opportunity has been and will be afforded all such to report themselves or volunteer before they will be subjected to the proscribing penalties. I should add the additional pleasure I have found in the assurance that your own original objections to the Confederate law will be relinquished in deference to the decision of your Assembly, and my hope that a spirit of wise conciliation and forbearance will always avoid any conflict, so much to be deprecated between Confederate and State authorities.

Very respectfully, yours,

JAMES A. SEDDON,

*Secretary of War.*

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EXECUTIVE DEPARTMENT,

TALLAHASSEE, FLA.,

April 14, 1864.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia:*

DEAR SIR: I received from you by telegraph the following communication:

MILLEDGEVILLE, GA., April 13, 1864.

The Confederate Government refuses to permit the States to export their own products upon their own ships,

unless they will allow that Government to occupy half the room of the vessel. Will you unite with me and other Governors in asking Congress when it assembles to remove the restriction?

I promised by telegraph a reply by letter. Most respectfully I decline to unite with you and other Governors in asking Congress to legislate upon the subject. I am not sensible of the political propriety of the Governor of a State, or the Governors of States, asking Congress to legislate upon that or any other subject. My judgment does not approve of any direct attempt by persuasion or otherwise to be made by the Governor of a State, or the Governors of States, to influence the legislation of Congress. Whenever the acts of Congress shall be considered injurious to any one of the States, or Congress shall fail to legislate wisely upon subjects intrusted by the Constitution of the Confederate States to its legislation, exclusive of the right of legislation by the States severally, joint resolutions by the General Assembly, approved by the Governor of one State (or more States), instructing the Senators and Representatives of the State in Congress, seem to me to be more consistent with the sovereignty and dignity of the State; more probable to command respect, and better adapted to the government of the State as well as the Government of the Confederate States.

It is true that Congress is expected to be in session prior to the General Assembly of this State, or of Georgia, but it is not prudent to defer any anticipated benefit from the legislation which you would suggest, rather than unauthorized by any precedent in a matter of doubtful political propriety to attempt, as you propose, to influence the legislation of Congress? Permit me in

candor to say, and most respectfully, that I am not convinced of the necessity of any further legislation of Congress upon the subject.

The act of Congress, approved February 6, 1864, and the regulations to carry it into effect, approved March 5, by the Secretary of the Treasury, Secretary of War, and the President of the Confederate States, impose no restrictions "upon the Confederate States, or any one of them, from exporting any of the articles enumerated in the act on their own account, nor is a bond required of the State in any case."

I apprehend that if each of the States should undertake to supply the wants of their citizens respectively, whether in military service or at home, the result would be alike disastrous to the Confederate States and the several States.

The Government of the Confederate States has better recognized advantages and superior facilities to provide for the armies in service than any one of the States, and to supply the wants of citizens not connected with the army, if their necessities can only be supplied by traffic with the citizens of foreign nations, it is better to rely upon individual enterprise than upon the respective State authorities.

Might not attempt on the part of the States, separately, to relieve the necessities of the armies and citizens by trade with citizens of foreign nations destroy the confidence and respect which those nations entertain for the ability of the Confederate States as belligerents under a government of their own choice; embarrass Congress under the obligations imposed by the Constitution "to provide for the common defense and carry on

the Government of the Confederate States;'' cause our armies and citizens to suffer, and endanger the stability of the Confederate Government, if not entirely destroy it, by a separation of the States?

The safety of the people and preservation of their rights under the Government of free, sovereign, and independent States, confederated for mutual protection, demand the utmost confidence and generous support of the State governments to the maintenance of the Confederate Government in the execution of sacred trusts which have been confided to it. It is best, therefore, where it can be honorably done, to avoid all conflicts and competition between the State and Confederate authorities for political power, or commerical privileges, at all events during the existing war. When the independence of the Confederate States shall have been achieved and recognized by other powers, and the din of war shall have ceased, the rights of the States and the constitutional powers of the Confederate Government will be adjusted by an intelligent, brave, and free people, to secure the enjoyment of civil liberty to themselves and their posterity.

I have the honor to be, very respectfully,

JOHN MILTON,

*Governor of Florida.*

MILLEDGEVILLE, April 19, 1864.

His Excellency JEFFERSON DAVIS:

Richmond, Va.:

We have a terrible state of things growing out of scarcity of corn in upper Georgia. Soldiers' families must starve unless relief can soon be afforded. The supply in Southwestern Georgia is being rapidly exhausted. The quartermaster-general of this State has purchased about 50,000 bushels in Central Alabama for indigent soldiers' families in Georgia. Confederate officers refuse to allow it to be shipped to Georgia. I ask that you will order them not to interfere. The Governor of Alabama consents to the shipment.

JOS. E. BROWN,

[First indorsement.]

GENERAL BRAGG:

To what prohibition does this refer? J. D.

[Second indorsement.]

April 20, 1864.

No "prohibition" exists against shipping corn from Alabama to Georgia. An inquiry was made by telegraph from the quartermaster at Montgomery whether he could give Government transportation to corn invoiced to the quartermaster-general of Georgia at Atlanta. He was answered that he could not, as it was not Government freight and nothing was known here of such shipments. Since that I have received a letter

from the quartermaster-general of Georgia to which I have replied, inclosing copies of my letters to the quartermaster at Montgomery and at Selma. These officers have been requested to furnish every facility consistent with the duty of this department to feed the army. I hope Governor Brown will see those letters.

A. R. LAWTON,  
*Quartermaster-General.*

[Third indorsement.]

The above will show how far Governor Brown's complaint is sustained by any action known here. If any other prohibition exists it is unauthorized.

BRAXTON BRAGG,  
*General.*

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RICHMOND, VA., April 20, 1864.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Have called attention of the Quartermater-General to your dispatch of the 19th instant, who informs me that no prohibition is known here against shipping corn from Alabama to Georgia, and that he has directed the quartermasters at Montgomery and Selma to furnish every facility to such shipment consistent with duty of feeding army, and has informed quartermaster-general of Georgia of his action.

JEFFERSON DAVIS.



HEADQUARTERS GEORGIA RESERVES,

MACON, GA., April 28, 1864.

GENERAL S. COOPER,

*Adjutant-General,*

Richmond, Va.:

GENERAL: I feel it my duty to state to you that the number of the reserve corps is likely to fall below the estimate, as well as the reason for it. It is attributable to the course of the Governor of Georgia. If Governor Brown had complied with the requirements of the law of Congress and exempted those only who were necessary for the proper administration of the State government, we should have had several thousand more men in the service than we can get under his proclamation. That you may be fully apprised of what he has done I herewith inclose a copy of his exemption proclamation and a copy of a letter I addressed him on the subject, to which I have received no reply.

I am, General, very respectfully, yours, etc.,

HOWELL COBB,

*Major-General, Commanding, etc.*

(Inclosure No. 1, Governor Brown's exemption proclamation, see Vol. II, Confederate Records of Georgia.)

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[Inclosure No. 2.]

HEADQUARTERS GEORGIA RESERVES,

MACON, April 21, 1864.

His Excellency JOSEPH E. BROWN,

*Governor, Etc., Milledgeville, Ga.:*

SIR: I have been assigned by the President to the command of the Georgia reserve force to be organized under the late act of Congress, calling the men between seventeen and eighteen and forty-five and fifty into the service. Impelled by both duty and feeling I desire to make this force as efficient as possible. We are pressed on all sides by the overwhelming numbers of the enemy, and our own State is threatened both on the sea-board and the northwest. At no time since the war began has there existed so urgent a necessity for calling into the field every man capable of serving the country, and whose services are not more valuable at home than in the field. It is only necessary to state the proposition to receive your responsive approval. In your recent address to the people of Georgia, of the 9th instant, declaring who are exempt from military service, I find the following paragraph:

I regret to learn that able-bodied young men have in some cases been elected to inferior county, district, or militia offices to the exclusion of old men competent to fill the places; but as the constitution and by-laws give me no control over the decisions of the people in such cases, and no right to interfere with them in the exercise of the elective franchise, I have no discretion, but am obliged to commission those who are legally elected, and

under the general rule of law am obliged to extend to them the same protection which is afforded to other commissioned officers. I know of individual cases where I regret this necessity imposed by a general rule of law, and would give the office to older men over whom they have succeeded, and send them to the army if I could do so in the legal discharge of my duty. But I must yield to the choice of those who have the right to make the selection.

This expression of feeling authorizes the conclusion that Your Excellency desires to place in the military service of the country all that class whom you regret to find avoiding their duty by holding State commissions, but whose presence at home is not required for any State service. This class I fear is large, and with Your Excellency's co-operation I think can withdraw from their official retreats, and be brought into the service of their country, where their presence is called for by every consideration of duty and patriotism.

Allow me to call your attention to the language of the act of Congress under which these exemptions are made. It is as follows:

The Vice-President of the Confederate States, the members and officers of Congress, and of the several State Legislatures, and such other Confederate and State officers as the President or the Governors of the respective States may certify to be necessary for the proper administration of the Confederate or State governments, as the case may be. You will perceive that Congress intended that those, and those only, should be exempted whom the Governors of the respective States may certify to be necessary for the proper administration of the

State governments. I submit that the sweeping exemption of all civil and military officers of the State was never contemplated for a moment in the passage of this act; if so, the law could have so declared; but the object was to enable the Governor of each State to retain all who, in his judgment, were necessary for the administration of the State government. Hence the law, reposing confidence in the sound judgment and patriotic devotion of the State Executives, put those exemptions under the control of the Governor, whose certificate was alone required to authorize the exemption. If I am right in this view of the subject I should respectfully ask Your Excellency to consider whether all the officers exempted under your certificate are necessary for the proper administration of the State Government. Allow me to allude to some of these officers in detail.

First. The number of sheriffs and their deputies, clerks of the superior and inferior courts and their deputies. The business of the courts is almost entirely suspended, and I seriously doubt if there is a county in Georgia where a single deputy is required in either of these offices. Sheriffs require a jailer in each county, but beyond that none of them have the least use for a deputy. In these two offices of sheriffs and clerks of courts there are probably over 400 deputies not needed at home for the business of their offices.

Second. There are in Georgia over 2,000 justices of the peace, and over 1,000 constables. I think I may safely say that one justice of the peace can do all the business of any district in the State, and one-fourth of the constables could do all that appertains to that office. Could not all of these offices be as well filled by men over fifty, and by not exempting any justice of the

peace or constable of military age? I am sure no injury would be done to this branch of the State service, whilst the ranks of our army would be considerably increased. I have been informed of districts where there has not been a justice of the peace for several years, but to obtain exemptions these offices have sought and are now filled by men both liable and capable of doing military duty.

Third. The number of militia officers commissioned in the late organization of the active militia of Georgia is unknown to me, but from the best data in my possession I say they exceed 3,000, including field and staff officers and company officers. As all the men composing the active militia have been transferred to the Confederate service, I do not see that their services are required for the proper administration of the State government. I would respectfully suggest that when the militia over fifty and under seventeen are called out there will be found in their number those qualified to fill all the offices without withholding from the service for that purpose the able-bodied young men who now hold commissions as military officers. I do not know what proportion of the officers to whom I have alluded are between the ages of seventeen and fifty, but I am quite sure the State service would not suffer any grievous injury if all such were put into the regular military service of the country. There are doubtless other officers of the State with whom, and their necessity for State service, Your Excellency is better acquainted than I am. My object is to call your attention to all who at this trying and critical juncture can be induced or required to come forward and stand by their brethren in arms, in the defense of the rights and liberties of our State and Confederacy.

I am aware that the Legislature at its late session resolved "That all civil and military officers of this State shall be exempt." To this, however, I would respectfully reply that the act of Congress did not submit this question to the respective Legislatures, but to the respective Governors, for decision, and I insist that the Legislature could not require the Governor to give a certificate that all civil and military officers of the State were necessary for the proper administration of the State government if, in point of fact, he did not believe that such was the case. They had no right, either legal or moral, to tax your conscience with a certificate which the laws of the country had submitted to your own decision. If, therefore, you believe, as I infer from your published address is your belief, and as I am sure every intelligent and patriotic man in the State will agree with you in saying, that all of these officers are not necessary to the proper administration of the State government, I submit that you would render the country great benefit by so modifying your certificate as to limit the exemption to those officers who are necessary to the proper administration of the State government, and allow and require all others to go into the military service of the country. I feel quite sure from my knowledge of the members of the Legislature that they did not contemplate such a result from their action as it now appears is likely to follow. Your action, I feel confident, in giving to the military service of the country all not necessary for the administration of the State government, will give to the members of the Legislature, in common with your fellow-citizens generally, real and sincere gratification.

It is to be regretted that the condition of the country

demands so large a withdrawal of its population from the ordinary pursuits of life, but this is a necessity which cannot be avoided, however much it may be deplored. Besides, it is not justices of the peace, deputy sheriffs, clerks, and militia officers who are needed at home, but farmers and mechanics, and it is far better that as many of the latter and as few of the former as possible be withheld from service, as just as the number of sinecure deputies and militia officers at home increases, so the necessity for calling into the field more of our farmers and mechanics is increased. As it is important that the reserve force should be efficiently organized at the earliest possible day, I request your early attention to the subject.

I am, very respectfully, your obedient servant,

HOWELL COBB,

*Major-General, Commanding.*

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 2, 1864.

BRIG. GEN. GEORGE T. ANDERSON:

SIR: I hereby acknowledge the receipt of your letter of the 14th ultimo,\* accompanied by the resolutions which purport to have been "almost unanimously adopted" by the men composing your brigade, condemning my action in convening the Legislature in extra

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\*Not found.

session, and denouncing my message and the action of the Legislature as "unwise and unpatriotic" and intended to "subserve partisan interests." The preamble also speaks of the willingness of those whom you denounce to sacrifice everything to "self-aggrandizement and personal ambition" and of "prostituting the dignity of high office to the accomplishment of unholy ends."

Those who deal thus with the actions and motives of others should be prompted only by the most lofty patriotism and the purest motives, and should themselves be above suspicion of "personal ambition for self aggrandizement" or of a desire to "subserve partisan interests."

How will the motives and acts of those who were the originators and managers of this meeting, and who covered the President with laudation so fulsome as to be offensive to modest merit, while they denounced the acts and impugned the motives of the Governor and Legislature of their own State, stand the test of the just rule above mentioned?

If I mistake not, the name of the chairman of the meeting, who is a brigadier-general, has been mentioned by his friends for promotion to the position of major-general. Neither the Governor nor the Legislature of his State has any power under the acts of Congress to grant the promotion. It can come from the President alone.

The secretary of the meeting, himself a lieutenant-colonel, can be made colonel only at the will of the President. The orator of the occasion, now a captain, cannot expect promotion from the State authorities. The same may probably be said of most of the others who were prominent in this meeting. While I do not charge upon



them a desire to “accomplish unholy ends” for “self-aggrandizement,” I must leave it to others to say whether the judgment of condemnation pronounced by them was entirely unbiased by personal ambition and a desire for self-promotion. I apprehend the way-worn private soldier upon his weary march by day and his lonely watch by night, who serves his country only for his country’s good, while he meets the enemy in deadly conflict at the hazard of his life, can look for no personal promotion from the President which will give him high command or historic fame, has taken a more just and less excited view of this subject.

The helpless families, so dear to many of the gallant men whom you command, as well as of thousands of other brave sons of Georgia now in military service, were dependent upon the action of the Governor and Legislature of your State for bread.

The act of Congress which was so highly approved had depreciated the Confederate currency in the treasury of the State till it would no longer purchase the bread which they must have or they must die of hunger. In this condition of things the extra session which you denounce was called. The currency with which bread can be purchased was provided, and provision was made which it is hoped will secure its transportation to and save their lives.

Was this an “unhallowed purpose;” and did it accomplish an “unholy end?” I am willing for the hardy sons of toil who obey your orders and whose wives and little ones at home are dear to them, to judge, and I am content to abide their decision.

The Governor and Legislature of your State, whom

you denounce, have appropriated for this year nearly \$10,000,000 to feed and clothe the suffering wives, and widows, and orphans, and soldiers, and to put shoes upon the feet and clothes upon the backs of soldiers, themselves, who are often destitute and cannot get supplies from the Confederate Government. Is this an "unholy end" for which they deserve your denunciation?

But you, and those who act with you, complain of the resolutions passed by the Legislature in response to my message, on the subject of the suspension of the habeas corpus, and those relative to the terms upon which peace should be sought. Whatever may be the opinion of those officers who managed the meeting over which you presided, I venture to say that not one private soldier in every ten in your brigade believes it is the right of Congress to suspend the privilege of the writ of habeas corpus, and authorize the President to arrest the people and send them in irons to the islands or dungeons of other States, and confine them at his pleasure, and to deny to the courts the right to inquire into the cause of the imprisonment, or to place the case upon the docket, and give the accused the benefit of the speedy and impartial trial guaranteed to him by the Constitution of his country.

This is not the constitutional liberty which so many Georgians have died to defend. He who possesses this control over the personal liberties of the people has in his hands the powers of a monarch, call him by what name you may.

Again, I apprehend the private soldiers under your command, whose official promotion and self-importance do not depend upon a continuance of the war, will be

unable to discover any dishonor in the resolutions of the General Assembly of their State upon the subject of peace. The Legislature has declared that negotiation as well as the sword has its proper part to perform in terminating this bloody struggle. The terms of adjustment proposed by the Legislature are the identical terms by which South Carolina, Georgia, Virginia, and the other States of the Confederacy stood the day that each seceded from the Union. If they were right then, why are they wrong now? What soldier, who has no stars and has no office, would not be glad to see the struggle transferred upon these principles from the battle-field to the ballot box, as proposed by the resolutions of the Legislature of your State, which seem to meet your hearty condemnation.

In conclusion permit me to remark that I have the most reliable information from your brigade since the meeting that what purports to be the almost unanimous action of those who compose it, meets the sanction of but a very small fraction of it. The resolutions were, as I am informed, prepared by some of the officers before the men were convened. When called for to ratify what the officers, without consulting them, had concocted, a comparatively small part of the brigade attended, and of those present a smaller part voted, and of that small number part voted against the resolutions, and the meeting adjourned amid cheers which resounded through your camp for him whom it was the purpose of the managers of the meeting to condemn.

All know the great advantage which the officers have over the men in the management of an affair of this kind. The officers are accustomed to command, the men to obey. They cannot meet their officers on an equality

and condemn their action, but it seems they can, by spontaneous acclamation in the camps, when they feel that injustice has been done, testify their approbation without being individually marked by those who have the power over them.

Begging you to assure the men under your command that I shall continue to do everything in my power to protect and defend the great principles of constitutional and personal liberty for which they are fighting, and to clothe and feed their helpless wives and little ones in their absence, and to relieve their own wants when they are suffering for clothing which they cannot get from the Confederacy.

I am, very respectfully, your obedient,

JOSEPH E. BROWN

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EXECUTIVE DEPARTMENT,

TALLAHASSEE, FLA.,

May 5, 1864.

His Excellency JEFFERSON DAVIS:

*President of the Confederate States:*

SIR: The inclosed copies of a correspondence between His Excellency Governor Brown, of Georgia, and myself are respectfully [submitted] to your consideration, because I think it probable the effort proposed by

him to influence the action of Congress upon the subject may be made, and my judgment disapproves of it entirely.

I have the honor to be, respectfully,

JOHN MILTON,  
*Governor of Florida.*

[First indorsement.]

Returned by Honorable Secretary of the Navy.

B. N. H.

[Second indorsement.]

Prepare letter of acknowledgement, and thank for sentiments in support of general cause and interests.

J. D.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

May 5, 1864.

MAJ.-GEN. HOWELL COBB,

*Commanding, etc.:*

SIR: Your letter of the 21st ultimo, which bears no postmark, was laid upon my table since my return from Atlanta.

I regret to see that you seem to have fallen into the error, now so common among Confederate officers, that

the States derive their powers, and the people of the States their rights and privileges, from the will of Congress; when in fact Congress and the Confederate Government derive all the powers they possess from the delegation of the respective States.

You say:

I am aware that the Legislature at its late session resolved that "all civil and military officers of this State shall be exempt."

To this, however, I would respectfully reply that the act of Congress did not submit this question to the respective Legislatures, but to the respective Governors; and I insist that the Legislature could not require the Governor to give a certificate that all the civil and military officers of the State are necessary for the proper administration of the State government, if, in point of fact, he did not believe that such was the case. They had no right, either legal or moral, to tax your conscience with a certificate which the laws of the country had submitted to your decision.

Now, the fundamental error into which you have fallen is in assuming that Congress, and not the State Legislatures, have jurisdiction over State officers, and that the acts of Congress, when in conflict with the Constitution, are the "laws of the country."

The State Legislature has declared that all civil and military officers of the State shall be exempt. Congress has declared that such State officers as the Governors of the respective States may certify to be necessary for the proper administration of the State government are exempt. Now, if I understand your position, it is this, that

Congress has the jurisdiction over this subject-matter, and is the higher power; and as Congress has referred this question to the Governor, you hold that if he should differ from the Legislature, and should believe that part only of the State officers should be exempt, he may, by virtue of the authority conferred upon him by Congress, set aside the act of the Legislature, and protect only part of the State officers, when the Legislature has said he shall protect them all.

If Congress has the constitutional power to conscribe the officers of the States, you are right, as Congress in that case would also have the power to exempt such as it might think proper. Having the sole jurisdiction over the question, it might exempt such as the Governor should select, and independently of the act of the Legislature conscribe all the balance. If on the other hand, Congress has no power to conscribe the State officers and the States alone have jurisdiction over their own officers, Congress cannot confer upon the Governor the power to turn over to conscription State officers while in the faithful discharge of duty, in the teeth of an act of the Legislature declaring that they shall be exempt.

The whole question in dispute thus seems to turn upon the jurisdiction of Congress over the State officers, and I beg leave to call your attention to the fact that the supreme court of your own State has decided it against you in the very case in which they held that Congress has power to conscribe "the population of the States." The court uses this language:

We have said that "the power to raise armies" is unlimited as to the use of means. We have not said that it is unlimited as to the subjects upon whom it may

operate. There are certain first principles which underlie all governments and all organized society, the violation of which the framers of governments are not supposed to intend, and the attempted violation of which will always be arrested.

Again they say :

The Government of the Confederate States was formed by the sovereign people of the respective States for specific, well-defined purposes ; but they retained for other purposes equally well defined their several pre-existing governments.

To enable it to accomplish one of the purposes for which it was instituted, we say they granted it unlimited power in the use of means to raise armies from their population. But if ever that Government shall apply those means to the enrollment of the officers and agents by whom the State governments are operated and without whose agency their machinery must stop, it will manifestly transcend its limits by violating the intention of those who conferred the power.

Congress, therefore, having no jurisdiction over the officers of the States and no power to enroll them by a former act, referred the question to the Legislatures of the respective States to say what officers they claimed as exempt. The Legislature of this State in response said it claimed all the civil and military officers of the State.

By a subsequent act Congress referred the question to the Governor, but it is very clear that both Congress and the Governor are bound by the action of the Legislature upon this subject-matter, as it alone, subject only to the restrictions imposed by the State Constitution, has jurisdiction over it, to determine what officers are nec-



essary to prevent the machinery of the State government from stopping.

If Congress had passed an act declaring the State officers subject to enrollment it would have been in violation of the Constitution and void; and our own Supreme Court have in effect pledged themselves that they would so declare it. Their language on this point is:

In the population of the States there is ample scope and verge for the exercise of the power in question without invading the departments of the State government. So far the Congress has recognized the limit here pointed out by an act of exemption directory of their enrolling officers. We have said that they may be safely trusted for its observance, and we now add that, in our opinion, if ever regardless of it, the judicial interposition sought and refused in this case might properly be invoked.

In my address to which you refer, after referring to the acts of Congress and the resolution of the Legislature, I have said:

In conformity to the resolution of the General Assembly I have certified to the President that I claim as exempt all civil and military officers of this State.

Their exemption is not claimed by the State under the act of Congress nor accepted as matter of grace or favor from Congress; nor does the certificate so state. It is claimed as matter of reserved right under the Constitution and by virtue of the resolution of the General Assembly of the State independently of any legislation which Congress has or can enact.

In speaking of the resolutions you are pleased to say that you feel quite sure, from the knowledge of the mem-

bers of the Legislature, that they did not contemplate such a result from the action as it now appears is likely to follow. By this I presume I am to understand that when the members voted for a resolution to exempt all civil and military officers they did not understand the meaning of the language they used, and when they said all they only meant part.

I dismiss this part of your letter with the single remark that from a tolerably intimate acquaintance with most of [the] members I am happy to be able to assure you that I entertain a very different opinion of their capacity, and think you have done them injustice by greatly underrating their intelligence.

I am fully aware of the importance of adding to our armies all the men who can be spared without so crippling our agricultural and mechanical interests as to make it impossible for us to support the armies in the field and the women and children at home. I have never failed to do my part in this particular. Prior to the extension of conscription for seventeen to fifty the President never made a requisition upon me for troops that I did not fill. To his last call I responded with more than double the number required.

You will doubtless agree with me that it is quite as important that the armies be clothed and fed and the helpless wives and children of the soldiers be supported as it is that we keep armies in the field, and that the conscription of so large a number as to leave no means of support at home would be as fatal an error as we could possibly commit. With 200,000 or 250,000 brave men in the field, well fed and comfortably clad, and their families at home well supported, with all the advantages we have

as the invaded party, we are in no danger of subjugation. With 500,000 men in the field destitute of food and clothing, and their families at home naked and starving, we would be weak indeed, as our armies so situated must soon disband and we would be ruined. In your zeal to increase your command it is possible you may carry conscription to an extent that will so seriously cripple the agricultural and mechanical interests of the State as to prevent the production of the necessary supplies another year, and thus ruin the cause you attempt to serve. As so much depends upon your orders whether bread shall be made in this State for another year, I beg to remind you of your duty to grant the most liberal details to farmers and other laboring men. When no immediate assault is expected by the enemy both common sense and patriotism dictate that the reserves should not be kept in camp, but that they should be detailed and sent home to labor in their fields and shops, to produce supplies to sustain their own families and the families of those who are absent in other States defending our rights.

If the policy adopted last fall with the portion of the Home Guards called into the field under your command is adopted with those now called out, and they are kept in camp away from their agricultural pursuits when there is no immediate use for their services, the most deplorable results must follow. You cannot be ignorant of the fact that after all the efforts the State authorities can make there is great danger that many soldiers' families will suffer this summer for bread, and if there is enough in this State there is certainly no surplus. If this is so, when all who are to constitute your command were at home last year, what may we expect another year if they are all taken away from their fields and workshops?

Your enrolling officers are now dragging from their homes hundreds who leave helpless families with no prospect of support, to be added to the long list already in so deplorable a condition. They have not the number of slaves necessary to entitle them under the act of Congress to exemption, and if you do not grant them liberal details or furloughs when not needed to meet an assault of the enemy, their families must suffer.

Again, others with constitutions wrecked and health ruined, are being forced by your enrolling officers to conscript camps or assigned by boards of surgeons to what is called second-class duty.

If you do not interfere for their relief many of these wretched men must linger out upon a sick couch a miserable existence for a few short weeks or months, and fall victims to an unwise policy without the hope of being able to render any valuable service to the country.

I have reason to believe that it is this severe rigor in the exercise of conscription which has caused the people in many counties and districts in this State to elect men within conscript age to fill county offices. They have felt the necessity of having some able-bodied men at home to attend to home affairs and to look to the wants of the suffering families of soldiers.

You say we need farmers and mechanics, and not justices of the peace, deputy sheriffs, clerks, and militia officers at home. You seem, however, to overlook or ignore the important fact that probably nine-tenths of the justices of the peace, deputy sheriffs, clerks, and militia officers of this State within conscript age, who are exempt, are neither farmers or mechanics; and that a large proportion of them have been elected by the

people to keep them at home as farmers and mechanics, as well as officers; far from the annoyance of conscript officers and the uncertainties of obtaining details which must be had at the sacrifice of much valuable time in running the red-tape round prescribed by Confederate officers to obtain them.

You refer to the number of justices of the peace and constables in the State, and express the opinion that a smaller number would be sufficient, and that persons over fifty years of age could as well fill these positions.

As I have already shown, the Legislature, which has the sole jurisdiction over this question, has not left it to you or me to say that a smaller number is sufficient. They have laid down the rule, and I have no discretion but to execute the law, nor have I any power to say what shall be the age of the man who receives the commission. The constitution and the laws of this State leave the selection to the voters and not to the Executive. My duty is to commission those who are legally elected, and not to dictate to the people who they shall elect. As stated in the address to which you refer, there are some individual cases in which selections are made which I regret, but I have no right to reverse the decision in the legal exercise of the elective franchise. I have not said the officers are not necessary, the legislature has decided that question, but I have expressed regret that in some individual cases the people had not selected a different class of men to fill them.

The same remark may probably be made with reference to the militia officers, the number of whom has been greatly overestimated by you. With occasional exceptions, the people have elected farmers and mechanics who

are among our most useful citizens at home in producing supplies and relieving the necessities of soldiers' families.

The law requires me to keep up the militia organization which may be useful for police purposes, and may be needed to suppress negro insurrection in the counties, as well as to arrest deserters from the army, which by proclamation I have required them to do.

In enumerating the civil and military officers in this State, you must not forget the important fact that a very large proportion of them are exempt from conscription, independently of their officers. Many are over the age of conscription, others are wounded soldiers, or exempt from physical debility or other causes; and many hold both civil and military offices, as, for instance, justice of the peace and captain of the militia, while others hold the office of clerk of the superior and inferior courts, and in some instances ordinary also. Thus you see that you do very great injustice if you count each office as filled by a separate individual, and each individual as protected by the office. A man is over the conscript age and holds the offices of ordinary, clerk of the superior and inferior courts of his county; here three offices are filled and nobody is exempted on account of either of them.

You refer to the great necessity for calling men into the field immediately to meet the enemy now pressing us on the sea-board and on the northwest.

In this connection I beg to remind you that the State had a militia organization which would have been thorough and complete by this time, ready to meet the enemy for this emergency, which has been much disorganized and crippled that its most active material

might be taken to form your command, which I fear you may not be able to organize in time to meet the enemy on the front, where the great collision of arms occurs. If you should not, it may be very unfortunate for the State that the organization which she had prepared for her own defense has been disturbed.

Our gallant, self-sacrificing troops at the front, who stand like a living breast-work between their homes and the enemy, who have undergone much suffering for food and clothing, know the importance of having a sufficient force at home to make supplies for themselves and their families, and of maintaining the government and sovereignty of their State, for which—as well as for the achievement of our independence—they left their homes and took up arms.

These men also know how much the agricultural and mechanical interests of the country upon which their bread depends are crippled by the annoying detail system, which hinders so much of a farmer's time in keeping his papers right, to enable him to cultivate his land and make bread by the permission of the Government.

They also have the intelligence to see that it would be infinitely better that those whom it is the policy of the Confederate Government to leave at home to produce provisions should be left free from this annoyance to make all the supplies in their power, the surplus to be turned over, under proper laws, to the support of the army and the families of soldiers at home. They do not therefore complain when a useful farmer or mechanic is elected to a State office, and left at home to attend to the double duty of making supplies and discharging the

functions of his position; nor do they labor to raise a clamor and excite prejudice against the government of their State, which is exerting all its power and energies to clothe them when naked, and to feed and clothe their helpless families at home.

This outcry against the State government and State officers comes up from the almost countless swarms of Confederate officers, agents, and detailed men who, as the favorites of power, have obtained safe and comfortable positions in the rear, while their less-favored comrades, who seldom get furloughs or details, are required to meet the enemy in front. This class of protected men—vastly more numerous than all the protected State officers—all in the pay of the Government, who can be found in every city, town, backwoods village, railroad car, and hotel in the State, or almost anywhere else but in front of the army, who are much engaged in attention to their own private business and speculations, or in earnest, industrious efforts to manage and control the politics of the State, while their fellow-soldiers are required to meet the enemy on the battle-field, seem to feel the necessity of diverting public attention from themselves, which they conceive can be best accomplished by raising public clamor, and attempting to excite public indignation against the State government and the State officers who are exempt from military duty. The chief difference between the two classes is, that the State officers are exempt from the fatigues and dangers of the battle-field without drawing pay from the government during the time they are so exempt, while the Confederate officers and agents of the class referred to, enjoy the same exemption from danger and draw regularly as



much pay from the government as those who are exposed to the greatest peril.

I am perfectly willing for the army in the field as well as the people at home to decide upon the respective merits of the two classes, and to say who most deserve to be "withdrawn from their official retreat" and brought into the active service of the country, where the enemy is to be met and the victory lost or won. In your earnest efforts to fill up the ranks of the army with State officers, let me beg of you not, to forget the numerous class above referred to, a large number of whom I feel quite sure could be spared from their retreats for duty in the field, and no injury done to the service, "while the ranks of our army would be considerably increased."

Very respectfully,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE,

May 9, 1864.

His Excellency JEFFERSON DAVIS,

Richmond:

I have purchased 30,000 soldiers' blankets for the State of Georgia now in the islands, and have to send out cotton to pay for them. The steamer Little Ada, chartered by the State, has been loaded for three weeks with about 300 bales of cotton, ready for sea. She lies thirty miles from Charleston. I ask clearance for her to go out

now, while we have dark nights. She is detained at heavy expense to the State. I solicit an early reply.

JOSEPH E. BROWN.

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RICHMOND, May 10, 1864.

HIS EXCELLENCY GOVERNOR BROWN:

Your telegram of the 9th to the President in relation to the steamer *Ada* has been referred to this Department. On the 12th of April a telegram was sent to you stating that the act of Congress imposing restrictions on export of cotton required that the regulation of trade should be uniform. Therefore the requirement that one-half of the cargo of every outward-bound vessel should be for account of the Confederate States cannot be relinquished as an exception in your favor. April 27, Mr. Lamar applied for a clearance for this steamer, and was informed that she could not go until she complied with the regulation.

C. G. MEMMINGER,

*Secretary of the Treasury.*

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HEADQUARTERS CONSCRIPTION,

STATE OF GEORGIA,

MACON, GA., May 10, 1864.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

SIR: It having been reported to me from many

counties in the State that men enrolled under the act of Congress 17th of February, 1864, "to organize forces to serve during the war," are claiming exemption from service by virtue of their election to civil State offices subsequent to date of enrollment, and under the erroneous impression that you will protect them in their claims, I have the honor, very respectfully, to request you to authorize me to inform the officers under my command that you will not countenance claims for exemption from military service on the ground of election to State offices subsequent to enrollment in the C. S. Army. It [is] my earnest desire to avoid, by myself and by my officers, any real or apparent conflict with the officials of the State, and am therefore very desirous that Your Excellency should make such declaration as would remove the difficulty to which I have referred and which is of constant occurrence.

Very respectfully, your obedient servant,

WM. M. BROWNE,

*Colonel and Commandant.*

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HEADQUARTERS GEORGIA RESERVES,

MACON, May 12, 1864.

His Excellency JOSEPH E. BROWN,

*Governor, etc., Milledgeville, Ga.:*

SIR: Your letter of the 5th instant reached me today, and I reply at once, to correct some of the misapprehensions under which you are laboring; and I must express

my regret in finding that I was mistaken in the inference which I drew from your published proclamation, that you would co-operate with the Confederate authorities in their efforts to carry to the army all men who could serve the country better in the field than at home. There was certainly nothing in the language I quoted from that address to induce me to look for a labored argument from you in justification of the course of those who were seeking the evasion of duty under the cover of State commissions.

In imputing to the officers of the Confederate Government the doctrine that "the States derive their powers and the people of the States their rights and privileges from the will of Congress," you have done them an injustice, of which I presume you were fully conscious at the time you penned the charge. To suppose otherwise would be to impute to Your Excellency a degree of ignorance which it would be offensive to intimate. The only ground upon which you can justify such an imputation in this correspondence is the fact that I addressed you under (what now seems to be) the mistaken supposition that Your Excellency had determined to comply with the act of Congress calling upon the Executives of the several States to "certify" what officers were required for the proper administration of the respective State governments. I did not suppose that I had subjected myself to so grave and unjust a criticism by manifesting confidence in the Governor of my State to the extent of believing that he would comply with an act of Congress of which he had made no official complaint, and with the provisions of which the Executives of other States had cheerfully and promptly complied. I did not suppose that the sons of Georgia, who had manifested their

devotion to her, her rights, and sovereignty in every way in their power, would forfeit their claims of loyalty to that sovereignty and those rights by complying themselves, and expecting others to comply, with the laws of the Confederate Government. They supposed a law that could be enforced in Virginia and the other States of the Confederacy, and cheerfully responded to by Governor Smith and the Executives of other States without impairing the rights or violating the sovereignty of those States, might be enforced in Georgia with equal impunity and responded to with equal cheerfulness; and I venture, even at the hazard of incurring again Your Excellency's rebuke, to say that such would have been the case if the Governor of Georgia had, like the Governor of Virginia, witnessed in person the privations and sufferings of our brave soldiers in the field and shared with them, as he did, the hardships of the camp and the dangers of the battle-field. It was the personal knowledge by Governor Smith of the wants of our army and the necessity of bringing to their support every able-bodied man who could be spared from his pursuits at home, that induced on his part a cordial co-operation with the Confederate Government, increasing the numbers of the army and thereby adding to its efficiency. A similar experience on the part of Your Excellency might have induced similar action.

It was quite natural that I should have fallen into the error of supposing that Your Excellency intended to comply with the act of Congress from another consideration. I saw in your published address that you had furnished to the authorities at Richmond the certificate which the act of Congress required. It is true you state the fact that the Legislature had declared that all civil

and military officers should be exempt; still you did not say that the Legislature demanded the exemption, but that you claimed it. Your language is: "I claim as exempt all civil and military officers of the State." If, as you now intimate, you regarded the act of Congress as an infringement of the sovereignty and rights of the State of Georgia, why did you humble that sovereignty and compromise those rights by a pretended compliance with a law of Congress which you considered and intended to treat as a nullity?

I submit that it would have been more candid and dignified to have said to the Confederate Government that you refused to comply with a law that you had determined to nullify.

Not only so, but in the very certificate you furnished in response to the law of Congress, you do not content yourself with informing the President of the action of the Legislature, but you add:

I therefore hereby certify, in conformity to the resolution of the General Assembly of this State, that I consider all civil and military officers of this State who hold commissions, or have been appointed as directed by the constitution and laws of this State, to be necessary for the proper administration of the government of this State.

This is a plain, unequivocal certificate that you consider all military and civil officers in Georgia necessary for the proper administration of the State government. Now, I am informed that there are at least 2,726 militia officers in the State. In your message to the late extra session of the Legislature, alluding to the act of Congress, you say:

If the act is executed in this State it deprives her of her whole active militia.

Well, the act is being executed in Georgia with the concurrence and approval of the Legislature, and, according to your own official statement, there is now no active militia in the State.

How, then, are these 2,726 militia officers necessary for the proper administration of the State government? To what use or purpose are they applied? The only legitimate use to be made of them is, that they should take military charge of themselves, for they constitute in and of themselves their sole and entire command. You have solemnly stated that you consider them necessary for the proper administration of the State government. Such is your certificate to the President, but in your reply to my communication you no longer pretend that such is the case; you now put your action purely and simply upon the resolution of the Legislature, and seek to place upon that body the odium and responsibility of withholding these and other sinecure officials from the army. I cannot pass unnoticed this attempt to throw upon the Legislature the just indignation universally felt at the effort to keep able-bodied men out of service. In my former letter to you I expressed the opinion, based upon my knowledge of the members of that body, that they never intended to withhold from the army some five or six thousand men liable to military service, as by your certificate has been done. I repeat that opinion, notwithstanding your gratuitous assumption that it reflects upon the intelligence of the body. My remark does the members of the Legislature the justice to believe that they would scorn to participate in the wrong and injustice done both to the country and our noble army by

the withholding of these sinecure officers from military service. Your defense puts upon the members of the Legislature the entire odium and responsibility of the act. I am more than willing that they shall be the judges between us as to who has done them the greater wrong—I, in saying that they never intended to screen holders of sinecures from their duty, or you, in making them responsible for what you have done yourself. Before your efforts to throw upon others the responsibility which has attached to yourself in this matter succeeds, the public will be curious to know why you did not arrest the action of the Legislature by your favorite resort to the veto power, if, indeed, you did not approve and sanction this wholesale exemption of sinecure officers.

In view of the fact that you first gave a certificate, as required by the act of Congress, and your present denial of any intention to recognize the obligation of the law, I conclude that your position is this: You comply with the law in form, and nullify it in substance. Whatever doctrine our supreme court may have announced in the decisions to which you refer, I feel confident you will find nothing in those decisions to justify such a practice in morals.

Though I do find in the decisions quoted in your letter that our supreme court holds that “the enrollment (by the Confederate Government) of the officers and agents by whom the State governments are operated, and without whose agency their machinery must stop,” would be violative of the very existence of the State government, and hence void; yet you cannot fail to observe the strict conformity of the act of Congress to the doctrine of our supreme court, for that act in terms exempts all officers necessary for the proper administration of the State



government; but neither Congress nor our supreme court, nor anybody else but Your Excellency, ever conceived the idea that justices of the peace who never held a court, constables who never served a warrant, and militia officers who have no men to command were necessary for the proper administration of the State government, "without whose agency the machinery must stop."

Will even Your Excellency on calm reflection assert and certify that in any county in Georgia twenty justices of the peace and an equal number of constables are necessary for the proper administration of the State government, and that "without their agency you have serious apprehensions the machinery of the State government must stop?" It does seem to me your fears and apprehensions might be quieted, especially in those districts which have no justices or constables for several years preceding the time when the present incumbents sought and obtained those offices to keep out of the army.

You seem to think that there is ample justification for withholding these men from the field, and protecting them in their "official retreats," in the fact that there are "Confederate officers, agents, and detailed men, who, as the favorites of power have obtained safe and comfortable positions in the rear, while their less favored comrades who seldom get furloughs or details are required to meet the enemy in front." Granting the truth and justice of this imputation upon the Confederate officers and men on duty in the rear, instead of inducing you to withhold still others from the field, if you are the friend you profess to be of our gallant soldiers in the front, it should have stimulated your efforts to fill up their decimated ranks and strengthen their efficiency. It will be hard to convince those true and brave men that you

were befriending them in the hours of their greatest trials by keeping out of the army justices of the peace who have not a case upon their docket, constables who never saw a warrant, and militia officers whose whole duty consists in drilling themselves. It may be that there are Confederate officers and men in the rear who are more needed in front, and who are engaged, as you allege, in attending to their private interests and the disgraceful practice of speculation. You know that such is not the case with all of these officers, and that some of them at least occupy their present positions not at their own suggestion, but in obedience to the orders of those who have the right to assign them to these duties. But if it was otherwise, there is this striking difference in their case and that of your sinecure officials: They have seen service in the field, and have borne the heat and burden of the war in the past; they have, for a time at least, endured the privations of the camp, and encountered the dangers of the battle-field, whereas your officials have, from the beginning, enjoyed the same quiet and security from danger which have fallen to the lot of Your Excellency. Besides, these Confederate officers and men are liable to be summoned to active service at any moment, whereas your officials have secured permanent exemption. It may relieve to some extent your feelings on this subject to know that one of the main objects in organizing this Reserve Corps is to relieve these very Confederate officers and men from duty in the rear and send them to the front, leaving the easier duties in which they are at present engaged to the men now being called out. Already has this object been accomplished in part, and some of the old veterans thus relieved are on their way to join their comrades in the field. Others will follow in due time.

The habit of speculation, whether indulged in by Confederate or State officers, or any others, is equally reprehensible, and as Your Excellency doubtless has personal knowledge of such conduct among State officers, I commend to your consideration the propriety of a thorough examination into and public exposure of all such cases.

The complaint you make that your militia organization has been broken up by the action of Congress in bringing the men who composed that militia into Confederate service, and that the proper defense of the State has thereby been weakened, is not justified by the facts unless you intend to throw every obstacle in your power in the way of the efficient organization of the Reserve Corps. Unfortunately for the good of the country, you have it in your power to do much mischief in this way, though it will not go to the extent you intimate.

As all the material that belonged to your active militia is transferred by the act of Congress to the Reserve Corps, I do not see why the men cannot be as well spared from their business at home to serve in the one as in the other organization. If these very men could be spared from their official duties to serve in the active militia, I do not see why they may not be as well spared to serve in the Reserve Corps. The only difference is that in the one case the force would be under your command and control, and in the other it will be under the command and control of the President. You seem to think that its efficiency would be greatly increased by having the control yourself, but in this opinion I apprehend you will find few, if any, to agree with you. One thing is certain—the Legislature entertained a different opinion, for notwithstanding your earnest protest, that body did not hesi-

tate to say by their action in turning over these men to the Confederate authorities they preferred the President to yourself. In the correctness of that decision of the Legislature there is a very general, if not universal, concurrence. Your Excellency constitutes as far as I know the solitary exception. You say:

Prior to the extension of conscription from seventeen to fifty the President never made a requisition upon me for troops that I did not fill. To his last call I responded with more than double the number required.

This reference to your response to the last call of the President is an unfortunate one if brought forward as evidence of your peculiar qualification for raising and organizing troops. It is true you furnished the President, on paper, double the number he asked for, but owing to your divisions of the State into territorial districts, beyond which the troops could not be required to go, the number of men obtained where their services were needed, in response to every appeal and effort that could be made, was not much greater than one-half the number called for by the President.

The anxiety which you manifest for the agricultural interest and your fears that it might be seriously injured by a withdrawal of too large a portion of that worthy class of our people into the public service involve matters of grave importance which have received, and will continue to receive, the earnest consideration of the Confederate authorities. Details and furloughs for the benefit of this interest can be as freely made under the existing organization as could have been done under your militia organization. If it is not done it will not be owing to any unwillingness on the part of the Confeder-

ate authorities to make such details and furloughs, but will be attributable to the fact [that] you have withheld so many sinecure officers from the service. I am aware that some of these officials belong to this class, but a large number of them are, doubtless, of that non-producing class whose absence from home would cause no injury to the agricultural interest. If these men could have been brought into the army a proportionate number of our farmers and mechanics could have been permitted to return to their homes. As it is, these worthy and useful citizens must be kept away from their business for the benefit of the less useful but more fortunate holders of State commissions in sinecure offices. To the utmost extent, however, that it can be done consistent with the public interest, I have no hesitation in saying details and furloughs will be granted.

In view of the deep interest you manifest on the subject, and satisfied as you must be that the resolution of the Legislature under which you profess to act was never intended to receive the construction you have placed upon it, I submit whether the circumstances would not justify another extra session of that body, that your hands might be untied and the services of your sinecure officials secured to take the place of the farmers and mechanics now kept from their farms and workshops. As in the programme of efficient defense which you have provided in your disbanded militia organization, you evidently calculated upon the services of your militia officers in the field, I am sure you do not consider it "necessary for the proper administration of the State government" that they should be kept permanently at home.

You are right in supposing that I am anxious to make the Reserve Corps—to the command of which I have

been assigned—as large and efficient as practicable. It is my duty to do so, and I am happy to know in discharging that duty I am advancing the best interests of the country. The strength and efficiency of the army are objects of vital importance, and those objects cannot be more efficiently advanced than by adding to its numbers. I regret that the zeal I have manifested in this matter should have incurred your implied censure, but am consoled with the reflection that it will be more kindly and favorably regarded by the brave and gallant men of our army, who will see in it a desire to add to their strength, increase their efficiency, and advance the best interest of our country.

The liberty exercised by Confederate officers and men of participating in the discussion of political questions affecting the interests of their State seems to be a grave offense in your eye. I am charitable enough to believe that you would have regarded their conduct in this particular in a far different light if they could have found in Your Excellency's course more to approve and less to condemn. You should bear in mind that is your fault, not theirs.

I am, respectfully,

HOWELL COBB,

*Major-General, Commanding.*

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE,

May 20, 1864.

MAJ.-GEN. HOWELL COBB,

*Commanding Reserves, etc.:*

SIR: In your letter of the 12th instant, received on the 16th, is the following language:

I do find in the decision quoted in your letter that our supreme court holds "that the enrollment (by the Confederate Government) of the officers and agents by whom the State governments are operated and without whose agency their machinery must stop" would be violative of the very existence of State government, and hence void.

This admission on your part is sufficient reply to your earnest and labored argument to prove that I, in certifying that all civil and military officers of this State are claimed as exempt from conscription in conformity to the resolution of the General Assembly of this State, have nullified, or attempted to nullify, the act of Congress. If the Confederate Government has no jurisdiction whatever over the State officers, and an act of Congress directing their enrollment would, as you admit, "be violative of the very existence of State government, and hence void," such an act, being a nullity, would not be the subject of nullification, as that which is absolutely void can have no force and can bind nobody. No act of mine could make void that which is already void.

In your former letter you claim for Congress the jurisdiction to confer upon the Governors of the States

the power to decide in opposition to the act of the Legislatures of the States what State officers shall be exempt and who enrolled as conscripts. You now admit that the Confederate Government has itself no power to enroll a State officer; but you do not inform me where the Confederate Government gets the jurisdiction to delegate to the Governor of a State the power to do that which it has no power to do itself. You are certainly entitled to the credit of originality for the discovery that Congress can delegate to the Governor of a State the power to do a thing which Congress itself has no power to do. The State alone has jurisdiction over her own officers. You admit that Congress has no jurisdiction over them, and cannot enroll one of them without the consent of the State.

The Legislature of the State has not only refused to give that consent, but has expressly declared that they shall all be exempt. Congress now, after the Legislature has expressly refused to give its consent to their enrollment, refers the question to the Governor to say whether they shall be enrolled, and you insist that the Governor has power under this act of Congress, which you refer to as the "laws of the Confederate Government," to set aside the act of the Legislature and order their enrollment, though you admit that if Congress itself did the very act which you insist that the Governor should do under the act of Congress, it would "be violative of the very existence of State government, and hence void."

I am perfectly willing to submit the question to the judgment of any candid man whether I did any "injustice" to an "officer of the Confederate Government," who claims for Congress such powers over the States,



and whose opinions rest upon such reasoning when I expressed regret that he had fallen into the error of believing that the "States derive their powers and the people of the States their rights and privileges from the will of Congress." An officer of the Confederate Government has no just right to charge any one with ignorance or conscious misrepresentation for attributing to his own mind the conclusions which necessarily result from its own reasoning.

If an officer of the Confederate Government had never been considered a very decided advocate of State's rights or State sovereignty, but had filled office in the Federal Government most of his political life with an eye to its highest official position, and while he considered his prospects right had seemed to regard the Union as the greatest good, but when he lost sight of obtaining the highest position in the Union, if he warmly espoused for a time the cause of State's rights, to get out of the Union that he might take his chances in the new organization, and he then claimed for Congress such powers over the States as I have above referred to, it might not be injustice to consider these things in forming a conclusion as to his present political opinions.

You are so much accustomed to practice upon popular credulity and appeal to popular prejudice by the cry of conflict between the State and Confederate governments that you seem to feel that an opportunity for making political capital is lost when you are left without a pretext for bemoaning a supposed conflict which you so often attempt by a stretch of the imagination to discover far in the misty distance. As this cry of conflict now constitutes your political stock in trade, and you have much reason to fear "Othello's occupation gone" whenever you can

no longer alarm the people with it, I can well imagine your disappointment when I so shaped my certificate as to maintain the sovereignty and rights of the State, carry out the resolution of the Legislature, and avoid all conflict or appearance of conflict with the President.

You refer to the example of Governor Smith, of Virginia, who, it seems, has turned over the justices of peace of that State under fifty years of age to conscription. If the newspapers are to be credited, while he has done this he has claimed as exempt other classes of persons who are not strictly State officers or agents, and are not, therefore, claimed by me as exempt, which sums up the whole number claimed by him to a larger aggregate than I have claimed under the resolution of the Legislature of this State.

I am not advised as to the action the Virginia Legislature had taken upon this subject. From my knowledge of Governor Smith's character I feel satisfied, however, that he has not turned over to conscription any officer of the State whose enrollment has been forbidden by the Act of the Legislature. I unite with you in honoring Governor Smith for his services in the military field, which, I suppose, afford satisfactory evidence even to yourself that he is not wanting in either courage or patriotism; and yet I suppose you will not pretend that he has shared in the dangers of battle or spent much time in the field with the soldiers since he has been called by the people of Virginia to the responsible position of Executive of his State.

I have not heard of the military exploits in the field of Governor Smith, of Virginia; Governor Vance, of North Carolina; Governor Bonham, of South Carolina:

Governor Watts, of Alabama; Governor Clark, of Mississippi, or Governor Allen, of Louisiana, since each, respectively, was called from the army to preside over the executive department of his State. Take a more distinguished example. I have not heard of the instance since the war commenced in which Mr. Davis has exposed himself to the dangers of battle. Each of these gentlemen since he has been called to the discharge of executive duties has enjoyed "the same quiet and security from danger" which you say "has fallen to my lot," and I presume neither of them has been less useful, or found his cares and responsibilities less embarrassing in the "security from danger" which he has enjoyed in the discharge of his official duties, than they were when he occupied a position in the field.

I am perfectly willing that the hardy, wayworn veterans of Georgia who are kept in the front, and have no comfortable office, and no command in the rear, who left their wives and little ones to defend your large inheritance, as well as their own log cabins, to whom, when naked and barefoot in the dreary storms of winter, I have sent clothes and shoes when they could get none from the Confederacy, and whose poor, helpless wives and little ones I have labored day and night to procure appropriations, and get up supplies to feed and clothe, when suffering for food and raiment, shall judge whether my services have been more valuable in my present position than they could have been in the field, however a good soldier I might have been able to make; and whether I have indeed been their friend, or, as you would intimate, only their "pretended friend." I am as well content to abide their judgment now as I was last fall when, with remarkable unanimity, they gave me assurances that they

were my friends, which were as gratifying to me as they were mortifying to conflict croakers and enemies of the State government, who had spent more time and labor in misrepresenting my motives and my acts and attempting to convince the people at home that the army was almost a unit against me, than they had in providing for the wants of the soldiers or the comfort of their families at home.

You call attention to the number of militia officers in this State, and refer to my statement in my late message that if the act of Congress is executed in the State it deprives her of her whole active militia; and you say the Act is now being executed which leaves these militia officers to take "military charge of themselves," for, say you, "they constitute in and of themselves their entire and sole command."

Now, it does seem to be a little remarkable that a Confederate major-general of the reserves, who you say are to be left to the "easier duties" "in the rear," in which others who are to "join their comrades in the field" are "at present engaged," should conclude that he is entitled to a monopoly in the easier duty in the rear, and should assume that his own reserves are the only reserves. I beg you to remember that the laws of this State provide for militia reserves, who are to participate with you in the discharge of those "easier duties" "in the rear," and who, when the active militia—or militia proper—has gone, may in great emergencies be called out to "repel invasion, suppress insurrection, or execute the laws." If, when the active Confederate soldiery have been called from the discharge of the "easier duties" "in the rear" to "join their comrades in the field," you, as the commander of the Confederate re-

serves, find other occupation than the military charge of yourself, experience may soon teach you what use there may be for officers of the militia reserves after the active militia have gone to the field. The great desire on your part seems to be that these officers of the militia reserves shall be transferred from their present reserve service to the Reserve Corps under your command.

Their "official retreats" in command of reserves seems to annoy you, but you have no objection to their "private retreat" as reserves, if placed under your control. In other words, it seems to be a question whether you or the proper State authority shall command these State reserves, and the Legislature with great unanimity determined to leave them under the command of the proper State authority. If you are not the "solitary exception on the other side" who find fault with the action of the Legislature, I would submit whether modesty may not suggest the propriety of your acquiescence in the decision of the General Assembly of your State upon this point. I do most respectfully insist that while engaged in the command of reserves, who you must admit are a very useful organization, you should have a little more fellow-feeling for those who are engaged in the honorable and useful employment, which occupies all your own time which you cannot spare to the important political duties of your office. In your letter appears a reiteration of your former statement that from your knowledge of the members of the Legislature they never intended to exempt all State officers, though they have solemnly declared on their official oaths that they did so intend. And you go further, and in effect say that neither Congress nor our supreme court nor anybody else but myself ever conceived the idea that the justices of the

peace, constables, and militia officers (for whom you seem to have a great aversion) were to be exempt.

I am aware that you, while your fellow-generals were in front of the enemy in the field, spent days and nights in Milledgeville lobbying and lecturing the members of the Legislature at its late session for the purpose of convincing them that it was their duty to sanction the late act of Congress suspending the privilege of the writ of habeas corpus; but as neither your knowledge of them nor their knowledge of you influenced them to sustain your views, I am still at a loss to know, and you have not been pleased to say, how you are able to determine from your knowledge of the members that they did not understand the meaning of plain English words, and when they said all civil and military officers should be exempt, they did not mean justices of the peace, constables, and militia officers; and how it was that the supreme court, when they said State officers and agents, did not mean justices of the peace, when the constitution of the State, which the judges of the supreme court are sworn to support, expressly mentions justices' courts as part of the judiciary of the State, and makes justices of the peace as much State officers as judges of the supreme court. As this new rule, which you have the honor of discovering, of interpreting the meaning of the language used by the Legislature by your simple knowledge of the members, which proves that the English word "all" means only part, is unknown to the authorities on the rules of construction, and as you have not thought proper to explain or elaborate it I presume the world must remain in ignorance of it till such time as you may think proper to enlighten the judges and other luminaries of the law. I suppose you were guided by this new secret rule of con-

struction when you, while referring to my certificate, use this language:

The Legislature had declared that all civil and military officers should be exempt; still, you did not say that the Legislature demanded the exemption; your language is, "I claim, as exempt," etc.

To say that the Legislature has declared that all civil and military officers shall be exempt, but the Legislature does not demand their exemption when it says they shall be exempt, is to draw a distinction which, I presume, would be rather refined for the comprehension of the supreme court.

But you recoil at the odium which would attach to the Legislature if their language should be construed to mean what every sane man in the State except yourself knows it does mean, and was intended to mean. Now, I trust you may be able to quiet your apprehensions for the safety of the Legislature with the cool reflection that after all your efforts to stir up public odium upon this question it is only inhaled in the atmosphere breathed by yourself and co-laborers, many of whom were themselves defeated candidates for the very offices whose incumbents in "official retreats" they affect to regard with so much loathing and detestation. As a majority of the voters elect these officers, the reasonable presumption is that they feel less indignation at their own action than is professed by defeated candidates and designing politicians.

My attention is invited by you to the propriety of convening an extra session of the Legislature to repeal this resolution and turn over these State officers to conscription. As it is a question upon which the same Legis-

lature which I am invited to convene has already acted, and as they have, after returning home and consulting with their constituents, been in session since the passage of the resolution, and as they had the benefit of a lecture from you upon their duties when last in session, and did not think proper to reconsider and reverse their action, I do not feel called upon to incur so heavy an expense to the State for the gratification of a single individual who was much exercised about the unnecessary expense incurred at the late extra session.

Again, when I take into account the fact that we are obliged to have provisions another year, and to have some able-bodied men at home to attend to the business of the country, and to look to the wants of the wives and children of our brave defenders in the field, and that you are taking so large a number of the population of the State by conscription, including the lame and the halt, if not the blind, who might be of some use at home, but can be of none in camps of instruction and in hospitals, and that of the whole number of State officers probably nine-tenths are either farmers or mechanics, or, as shown in my last letter, exempt without regard [to] their State offices, or who were elected to those offices because the people considered their services more valuable at home than in the battle-field, I must decline to comply with your suggestion, however much I may regret my inability to relieve your mind from the disquietude which the presence of some of these State officers as co-laborers in command of reserves seems to excite. You will at least have the consolation to know, however, that you have the oldest commission as major-general of reserves, and are therefore the ranking officer in that service. If you should at any time chance to go to the front, where the emergency



is pressing, I trust you will find the officers of the reserve militia with a goodly number of the civil officers there in advance of you, prepared to welcome you, and to vie with you in patriotic deeds and heroic valor till the danger has passed. As they are now hastening to the front to meet the enemy in the present emergency, let me suggest for your consideration whether it would not be more profitable to the country that you follow their example than that you remain at home to make issues upon them, and attempt to stir up public indignation against them in the rear while they are confronting the enemy at the post of danger.

I am assured by your letter that the defense of the State will not be weakened by the breaking up of the State militia, under the act of Congress, to give you material of which to form a command, unless I throw every obstacle in my power in the way of the organization which you are to control. Since the action of the Legislature I have not thrown the slightest obstacle in the way of your calling out and putting into your organization every man subject to your control under the laws.

You have had a fair, open field of operations for nearly two months, while the enemy were massing a heavy force upon the soil of the State, with every reason why you should expect a most formidable attack at this time. You have had all the motives to which you refer with so much apparent feeling in favor of re-enforcing and relieving our gallant men in front to prompt and stimulate you to activity and energy, and with all this time for preparation and these weighty reasons to wake you up to prompt action, without which no military commander can be useful, I fear you are not prepared, and that it may still take you weeks to complete your organi-

zation and reach the field with your command in condition to strike an effective blow for your State in this critical hour of her danger. Within as long a time as that already consumed by you the adjutant and inspector-general of this State, under my direction, had organized over 20,000 militia, who would have been subject to have been called out for the emergency upon the shortest notice, and might now have been in Cherokee, Ga., ready to aid in the great struggle had not the organization been crippled that its most active material might be turned over to make your command.

Your attempt to divert attention from your tardiness in this most important and critical period, when so much depended upon your promptness, by taking up time in raising issues about the exemptions of State officers, and whether it was best that I or the President should command the militia, cannot succeed. After assuming that everybody desired that the President should command them you put me down as the solitary exception on the other side. I presume you had neglected before making the assertion to examine the journals of the Legislature upon that question.

While the resolution to turn over the part of the militia between seventeen and fifty to the command of the President passed by a majority of the Legislature, you may probably learn from the journals and from your knowledge of the members that the minority was too large and respectable to leave any foundation in fact for your assertion.

If it should turn out that the President has been so unfortunate in his selection of a proper officer to organize and command this force as to render it useless at the

time when it is most needed, the action of the minority of the Legislature, which was in favor of retaining the State militia already organized for the emergency, may be proven to have been wiser than you are willing to admit.

While referring to the Confederate officers who hold positions in the rear you say that I know that some of them occupy their present positions not at their own suggestion, but in obedience to orders of those who have the right to assign them to these duties. I think I do know of at least one instance in which the President, having once trusted a general with a command in the front which required some qualification for the position, afterward transferred him to the rear, and I know of no reason for calling into question either the patriotism or the prudence of the President in making the transfer. Doubtless his action was prompted by a desire to promote the best interest of the service.

Referring to my statement in my last letter that I, in response to the last call made upon me by the President for troops, had furnished over double the number required, you say the reference is an unfortunate one, etc. You then admit that it is true I furnished the President on paper double the number asked for, but you affirm that owing to my division of the State into territorial districts beyond which the troops could not be required to go, the number of men obtained when needed, etc., was not much greater than one-half the number called for by the President. In order to test this statement by the standard of truth it is proper that I refer to the call made by the President for those troops and the service to be rendered by them. The call made by the President through the Secretary of War was based upon

the two acts of Congress passed 21st of August, 1861, and 13th of October, 1862, to raise troops for local defense and special service. One of these acts, as you well know, declared that troops under it may be mustered in for local defense, and gives the troops the right in their muster-rolls to set forth distinctly the "services to be performed." In specifying the objects of the call the Secretary of War, in referring to those acts upon which it was based, uses this language:

Under the former of these, if organizations could be effected with the limitation prescribed in their muster-rolls, of service only at home or at specified points of importance within the particular State, they would be admirably adapted to obtain the desired ends of calling out those best qualified for the service—of employing them only when and so long as they might be needed, etc.

Under this call each company had the right to specify on paper—that is, in its muster-roll—what places it would engage to defend. If the muster-roll specified that the company would act for local defense, in the language of the Secretary of War "at home" or at "specified points," it was a full compliance with the call, and troops so organized, the Secretary says, are admirably adapted to obtain the desired ends. Now, so far from accepting troops with the narrow territorial limits in their muster-rolls, which by the call of the President they were authorized to prescribe, I required them—except in cases of troops for the defense of certain cities, etc.—to prescribe a larger limit, covering at least one-fourth of the territory of the State. I not only furnished over double the number of troops required by the President, but I tendered them, most companies covering with their muster-rolls a much larger space of territory than the

President required. Indeed, a considerable number of their muster-rolls covered the whole State as their limit. Each and every company was therefore tendered with as large a territorial limit as the President called for, and each and every one was subject to do service at any moment within that limit if the emergency happened which they were organized to meet. You were the major-general placed in command of these troops; you had before you the acts of Congress under which they were organized; you knew that their muster-rolls covered as much territory as either the act of Congress or the call of the President required, and you admit that I furnished double the number called for.

Your denial that I filled the requisition according to the call of the President was made with full knowledge of the facts that the call was not only filled, but doubly filled. As you cannot plead ignorance in mitigation of your palpable misstatements, I must leave you to reconcile it with the facts as best you may. Whether you employed those called to the field "only when and so long as" the emergency lasted for the kind of service which they were called for to perform, as was promised by the President, or kept them in the field at great inconvenience to them and loss to the State after the emergency had passed, that you might not be left with wreaths upon your shoulders without a command, is a subject upon which those who were then subject to your orders are entitled and doubtless have their own opinions.

Upon the subject of "reprehensible speculations" you take occasion to say that I "doubtless have personal knowledge of such conduct among State officers." In this you labor under a very erroneous impression. I know of no reprehensible, dishonorable, or unjust specu-

lation among State officers. If you have knowledge of any such it will doubtless be an agreeable task for you to expose it, and I commend the subject to your earnest attention.

Taking the term "personal knowledge" as used by you in connection with reports in circulation that in the bitter denunciations of me with which you are accustomed to entertain those around you, reference has been made by you to certain lands which I have purchased in Southwestern Georgia, with some other property, and insinuations thrown out that I had obtained the money by unfair means, I may be justified in making such reference to my individual affairs in this connection as under other circumstances would be improper.

Before the war commenced I had a handsome property, which yielded me, outside of my salary, a competent income. I had inherited very little of it, but had made it by industry and energy and what the world is pleased to call good luck—as by the discovery of a mine upon lands which I had purchased for a small price for other purposes.

Since the commencement of the war I have inherited, as the records of the county will show, over \$20,000 in gold or its equivalent, which was invested before the depreciation in a manner to be worth in the currency in its depreciated condition the past winter a larger sum than would have been necessary to pay for every dollar's worth of property I have purchased, including my lands in Southwestern Georgia.

If you will take the trouble to calculate a moment you will see that \$20,000 in gold last winter, or this spring, at 20 for 1 was worth \$400,000 in currency; or if

the gold had been invested so as to be worth 10 for 1 it was worth in currency \$200,000, which latter amount in currency will a great deal more than cover all the investments in property which I have made.

As the amount of inheritance to which I have referred came to me in right of my wife and children, I feel quite sure that you will not object to this as a "reprehensible speculation" or a dishonest mode of obtaining property, if the sum inherited even amounted to all I ever made.

At the time I made the purchase of the Southwestern lands and a small interest (\$10,000 in currency) in iron property in Bartow county, I did not choose to convert all the securities I had into currency, and I borrowed most of the money to meet the payments, and owe \$50,000 in currency. I expect to pay this back whenever, in my judgment, the securities in which I invested gold, or part of my lands, will bring the best price in currency, and take the least amount of property to raise the money. I believe my creditors are not apprehensive of loss. I will only add that I have the gratification to know that I never lived in ease upon the property of my wife and children while my judgment creditors were delayed in the collection of their just dues.

I am probably due you an apology for this reference to my individual business. I certainly am if by the use of the term "personal knowledge" you did not intend to impute anything dishonorable or unjust to me in my individual transactions. If you did, I have given you such information as will enable you in future to avoid misrepresenting me personally, if you have the will to do so, whatever may be your opinions of the merits of

my official acts [as] a public officer; upon the latter subject I must confess I feel a very cool indifference.

Respectfully,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE,

May 21, 1864.

HON. C. G. MEMMINGER,

*Secretary of the Treasury,*

Richmond, Va.:

Your telegram of the 10th did not reach me till yesterday. The act of Congress to which you refer, which prohibits the exportation of cotton and other productions except under such uniform regulations as shall be made by the President, has in it this express proviso, "that nothing in this act shall be construed to prohibit the Confederate States or any of them from exporting any of the articles herein enumerated on their own account." The 300 bales of cotton upon the Little Ada belong to the State of Georgia, and I propose to export it on State account to pay for blankets for Georgia soldiers, and if any surplus to apply it to the purchase of cotton cards for the people of the State, under an act of the Legislature.

I deny your right to repeal the act of Congress by your order, or to refuse clearance to the State under any just rule of construction which you can apply to the plain proviso in the act of Congress. I therefore again demand



clearance as a right, not as a favor, and waiving for the present the question of your right to ask it of the State, offer to pay export duties.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, May, 21, 1864.

COL. WILLIAM M. BROWNE,

*Commandant, etc.:*

SIR: I am gratified to find that it is your desire, while you discharge your duties faithfully to the Confederacy, to respect the rights of the State and her officers and to avoid, as you say, any "real or apparent conflict" with the State authorities. You submit the inquiry whether I claim as exempt from conscription persons who have been elected to State officers since their enrollment as conscripts. I hold that any citizen not actually in military service may accept any office to which he may be elected, and that he is not in service till he is actually enrolled and personally notified of his enrollment. I have already informed many who have applied to me for information that if there has been actual enrollment and personal notice to the conscript that he is enrolled before he is elected or appointed to a State office the election or appointment will not protect him. Some have differed from me on this point for whose legal opinions I have much respect, and have expressed the opinion that persons in the military service of the Confederacy have the right, without the consent of that Government,

to accept civil or military office under the State government, which entitles them to protection under the resolution of the Legislature of this State, which declares that all civil and military officers of this State shall be exempt from conscription. I have therefore advised such as entertain this opinion to submit the case to the judgment of the judiciary by habeas corpus if not content with my ruling; and if they are sustained by the judiciary, which I trust will not be distributed in or denied the right to hear such cases, it will then be my duty to protect them.

Till the courts have decided otherwise, I shall act upon the rule that all who are elected or appointed to State offices before they have been actually enrolled and personally notified of their enrollment are entitled to protection under the decision of our supreme court which denies jurisdiction over State officers to the Confederate Government, and the resolution of the Legislature, which has jurisdiction over them, that they shall all be exempt; but shall hold that those who are in the actual military service of the Confederacy cannot, during their term of service, accept office in the State without the consent of the Confederate Government.

You are doubtless aware that there are certain classes of State officers whose previous enrollment will not interfere with their right of acceptance, as the Confederate Government has already by the act of Congress given its consent to their discharge from military service when elected as members of the General Assembly, judges of the courts, clerks of courts of record, sheriffs, ordinaries, etc. I shall expect you to discharge even from camps of instruction persons elected or legally appointed to fill any of the offices mentioned in the act of Congress, as I

consider that they have the consent of the Confederate Government, which for the time has control of them, that they be discharged to accept these positions when legally tendered to them; but till the courts rule otherwise I shall hold that persons in military service have no right to be discharged to accept offices not mentioned in the act, as the Confederate Government has given no consent in these cases.

I am happy to be able to state that there is no prospect of conflict between me and the Confederate Government upon this point. I also hold that a State officer who has voluntarily enlisted in the military service of the Confederacy has waived his right as an officer and cannot fall back upon his office for protection. If, however, he volunteered under threats of coercion or of immediate enrollment and arrest if he did not do so, or his consent was obtained by fraud or misrepresentation, you will no doubt agree with me that his act in volunteering would not bind him; and I shall expect you in such case to order his discharge upon proper evidence that the enlistment was not voluntary. I will also add in this connection that under my proclamation, which has never been revoked, all military officers of this State are required, and civil officers expected, to be active and vigilant in the arrest of deserters and stragglers from the army. They are therefore expected to co-operate with and assist your enrolling officers in making such arrests, as they have frequently made arrests in remote portions of the State and had much difficulty in disposing of the deserters to a proper Confederate officer and in procuring the repayment to them of money which they have paid out as necessary expenses and which they are not able to lose. I

would suggest that you publish some proper regulation to meet these difficulties in future.

You are authorized to make such use of this letter as you may think proper.

Appreciating your personal courtesy and reciprocating your desire to avoid all misunderstanding,

I am, with great respect, your obedient servant,

JOSEPH E. BROWN.

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RICHMOND, May 23, 1864.

GOVERNOR JOSEPH E. BROWN :

Your telegram of 21st instant is received. Clearance cannot be given except in conformity with the regulations of the President.

C. G. MENNINGER,

*Secretary of the Treasury.*

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HEADQUARTERS GEORGIA RESERVES,

MACON, May 23, 1864.

HIS EXCELLENCY JOSEPH E. BROWN, *Governor,*

Milledgeville :

SIR: Your letter of the 20th instant was received by yesterday's mail.

I am not disposed to consume time upon the irrelevant

topics which you have dragged into the discussion, especially as you have lost sight of the practical questions involved, and seem to write for the sole purpose of indulging in personalities which you supposed would be offensive. This correspondence commenced in an effort to get you to abandon a certificate which you had given, that it appears both from your admissions and conduct was untrue. You had certified that "you considered all the civil and military officers of the State necessary for the proper administration of the government of the State." Now, in view of all you have said on the subject in this correspondence, as well as your recent orders calling a large number of these officers into military service, do you not feel self-condemned in having certified to a statement which is untrue, and which you knew to be untrue at the time you gave the certificate? This is the whole point of controversy, and all else has been drawn in by your efforts to avoid the odium and responsibility which you have incurred by conforming your action to this false certificate.

That you have been driven to abandon this pretense to the extent of calling out the officers who are not necessary for the proper administration of the State government proves that my efforts have not been wholly fruitless. Had you done so at the time and in the mode I suggested, it would perhaps have been better for the country, and at the same time saved you from the exposure to which you have subjected yourself. You reiterate your claim upon the gratitude of our soldiers for what you have done in providing for their wants and the necessities of their families. Everyone has awarded to you and your officers full credit for what you have done with the public money. In these particulars you seem,

however, to be nervously apprehensive that it may be forgotten, as you never lose an opportunity of calling attention to it. I would suggest that it might not be inappropriate, in some of your future references to the subject, to give some of the credit to your fellow-citizens, who by their cheerful payment of the taxes imposed upon them have placed in your hands the means with which you have contributed to the wants of our noble soldiers and their deserving families. It is a duty in which all have participated with a cheerfulness and earnestness worthy of the object, and for which all deserve and will receive the grateful thanks of our gallant soldiers. We have not and cannot do too much for these noble men and their suffering families. In your zeal to magnify your own conduct you should not forget what is due to others equally as deserving as yourself. The men whose gratitude you seek to obtain will not think the less of you for it.

You have so often repeated the statements of your great success in furnishing more than double the number of troops the President called for in September last, that I am surprised at your loss of temper at the exposition of the fact that you simply furnished that number on paper. You should remember that you are responsible for the introduction of the subject into this correspondence, and if the exposure is mortifying to your pride you brought it upon yourself.

The acts of Congress under which the call was made are plain and simple, and could have been responded to without the embarrassment of territorial divisions which you resorted to. Your effort to escape from the exposure by the use of offensive language is quite natural to a man

who has lost his temper, and may be pardoned in one who has so many graver offenses to atone for.

In reference to the one Confederate officer who was transferred by the President from a position in front to one in the rear, you say you "know of no reason for calling into question either the patriotism or the prudence of the President in making the transfer." Whether your description of this position as a "safe and comfortable" one be correct remains yet to be seen; but it is evident you so considered it, and, so considering it, your application to become his volunteer aide, with the fact that you never so honored him as long as he was in the enemy's presence, is a very significant illustration of the direction which your ambition takes in time of war. It seems that not until you perceived his fitness for a "safe retreat" did you perceive your own fitness to become his aide. Let me assure you that if that officer had then known the conviction under which you acted he would have been more impressed with your qualifications for the post to which you aspire, for whilst your opinion of that officer may not be concurred in by others, no one will question the correctness of the estimate you have placed upon yourself.

It is due to myself to say that in my allusion to your "personal knowledge" of State officers engaged in speculation I did not refer to the charge made against you of dividing with some of your State contractors the large profits they were accumulating from these contracts.

What I said was in direct response to your own remark about "protected men" engaged "in attention to their own private business and speculations." I had no reason to believe that you had been "dishonorable or

unjust'' in your speculations, so fully explained in your letter, and I had too much respect for your sense to believe that you would engage in any improper transaction in which you were liable to be so easily detected. As to the manner in which you have accumulated your fortune, whether by inheritance or by trading and trafficking, I neither know or care, as it does not throw the least light upon the question involved in this discussion, which is the truth of your certificate, in which you say you consider all the civil and military officers of this State necessary for the proper administration of the State government.

I shall leave you in your allusions to my own pecuniary embarrassments in the past to the full enjoyment of all the pleasure which a low and groveling mind derives from the repetition of stale and malicious slanders. When those who originated them blush in remembrance of their turpitude, the subject becomes eminently suited to one of your taste and instincts.

Respectfully,

HOWELL COBB,

*Major-General, Commanding.*

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RICHMOND, VA., May 24, 1864.

To His Excellency, J. E. BROWN,

*Governor of Georgia,*

Milledgeville, Ga.:

DEAR SIR: Your letter of November 18, 1863, has remained unanswered until this time through no want of



respect, personal or official, but from the pressure of events which have presented an earlier response. It has been my earnest wish that every officer of the Confederacy, whether employed in a civil or military capacity, should testify his reverence for the law of the land by a strict adherence to its forms, as well as its spirit. In the presence of the enemy and with an army scantily supplied with the commonest necessities of life, a general, whose first care must be that his troops do not suffer for want of food, should be charitably judged if in providing for them he inadvertently exceeds his legitimate authority. No instructions were issued to General Cobb, and none were necessary, the law empowering him to order impressments when the exigency requires it. The order of Captain Byers, the commissary, provides for the local appraisement established by law. If in the enforcement of their orders subordinates displayed rudeness or a disregard for the rights of citizens, or acted violently and illegally, the complainants, by pointing out the individual offenders to the local commanders, would, I confidently hope, have procured redress; but accusations against undescribed persons afford no means of bringing them to justice. Hardship, privation, sacrifice, must be suffered for the sacred cause we contend, and I am sure that the people of Georgia will prove themselves in other respects, as they have on the field of battle, equal to the most trying tests to which they may be necessarily exposed.

Very truly and respectfully, yours,

JEFFERSON DAVIS.

## HEADQUARTERS GEORGIA MILITIA,

ATLANTA, GA., May 28, 1864.

TO THE PEOPLE OF GEORGIA:

Your State is invaded and a portion of its most valuable territory overrun by a vindictive enemy of great strength, who is laying waste and devastating the country behind him. Unless this force is checked speedily, the property and homes of thousands must be destroyed, and they driven out as wanderers in destitution and beggary. Our noble army needs further reinforcements until the emergency has passed. I have summoned the civil and military officers of the State to arms, and they are promptly and nobly responding. If any of those who are subject to militia duty are remaining at home, who are able to do service, I desire the old men to report the facts to me immediately, that courts-martial may be ordered, or other proper steps taken to compel them to do their duty, or suffer the penalties. When all the officers shall have responded, more men will still be needed. I do not order out the reserve militia except at the most exposed points, because some must be left at home to make bread; and the old men from fifty to sixty and the boys under seventeen, are not able, as a general rule, to endure hard service in the military field. But I do call upon all who are able for service, and can possibly be spared from home, to hasten to the field till the great battle is fought. Many have Confederate contracts, details, and exemptions, who are stout and able to do military duty, and can go to the field for a time without serious detriment to the public interest. All such, with all others able for duty, are earnestly requested to fly to arms as the State officers have done. Let each report to

General Wayne, at Atlanta, and bring with him a bed quilt or blanket and rations to last him to camp, and a good double-barreled shotgun if he has one. If not, he can be armed by the Government. Georgians, we are now in the crisis of our fate. The destiny of our posterity for ages to come may hang upon the results of the next few days. He who remains at his home now will soon occupy it as a slave, or be driven from it. Rally to the rescue, and till the danger is past let the watchword of every patriot be, "To arms, and to the front"; and the vandal hordes will soon be driven back.

JOSEPH E. BROWN.

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ATLANTA, May 30, 1864.

MAJ.-GEN. HOWELL COBB,

*Commanding Reserves:*

SIR: Your letter of the 23d instant, mailed to me at Milledgeville, has been forwarded to me at this place. As you enjoy more leisure for bandying words and indulging in personal abuse than now falls to my lot in this crisis of our fate, while the enemy is pressing hard upon us, I shall content myself with a short reply to your misrepresentations.

Having already shown to the satisfaction of any intelligent mind, not too much warped by prejudice to see the truth when presented, that my certificate claiming all civil and military officers of this State as necessary to the proper administration of the government of this State is in strict conformity to the resolution of General

Assembly, whose authority and sole jurisdiction over the question has been solemnly adjudicated by our own supreme court; and not having claimed a single officer as exempt from conscription whose office is not created by the Constitution or laws of the State, because considered necessary to the proper administration of the State government, I can afford to pass as harmless your naked and unsustained assertion that my certificate is untrue. You can draw no support from the fact that in a great crisis like the present the State officers for a time have rallied to the front in response to my call to aid in repelling the enemy. It is true their offices are temporarily closed and their official duties neglected till the enemy shall be repulsed, but that does not prove that their presence at home is not necessary or that their official duties are unimportant.

A judge of the superior court, who has reported for duty in the military field, has for a time suspended his official functions; but this does not prove that his office is unimportant or that he could be enrolled as a conscript and his duties suspended during the war without detriment to the public interest.

You say that if I had called out the State officers at the time and in the mode suggested by you, it would perhaps have been better for the country. By this I suppose I am to understand you to assert that it would have been better for the country if I had turned them over to your command. Judging from the fact that after all the militia of the State between seventeen and fifty, except the officers, had been turned over subject to enrollment by you, and you have had two months to bring them to the field, you have not succeeded in getting ready for service as many as I now have in camp, assembled in one week

after my call, I am of opinion you will find few persons so prejudiced as to agree with you that the public interest would have been promoted by placing these men under your command, which I fear, if I may judge from the past, it will yet take you months to organize. The public safety calls for men in the field now, while the enemy is pressing us, and it is fortunate for the country that the State officers were not placed in a position to be kept back by you.

While I trust I have faithfully discharged my duties to our gallant soldiers and their families, in supplying their wants, I have never arrogated to myself the credit due the people of the State for affording the means. If I am entitled to credit for the judicious and faithful management of those means my ambition is satisfied.

After I have convicted you of willful misrepresentation of the facts relative to the number of troops furnished by me in response to the last call of the President, and have shown from the record that the requisition was filled in letter and spirit, with over double the number called for, most of whose muster-rolls covered a larger part of the territory of the State than the act of Congress or the call of the President required, which facts you knew when you penned your denial, you still persist in reiterating the assertion, and attempt to escape exposure by charging that I have lost my temper in replying to your statement. While it may be a little trying to the patience of a right-minded man to see truth so utterly disregarded by one occupying so high a position, I am willing to leave it to the judgment of the unbiased who has most exhibited the loss of temper, I, in exposing your willful misrepresentations, or you, while laboring under the exposure.

When you were assigned by the President to the command of the troops called out last fall for local defense, and I assured you of my willingness to render all the aid and assistance in my power, and in the case of active services in the face of the enemy to act temporarily with you, it was not possible for you to have understood me to express willingness to act as your aide-de-camp while you were lying in a state of inactivity in a safe place in the rear. I supposed in the case of an exigency, such as we passed through when our army was driven back from Missionary Ridge to Ringgold, that you might leave your safe retreat and go to the front. But if I had no higher ambition to serve the country and no more important duties to perform I could not, of course, expect to be favored with a position upon your staff so long as your retreat is safe and comfortable, as you probably have no place to spare after you have provided for your numerous relatives, whose prior claims upon you entitle them to preference in sharing the honor with you.

As in your reference to the words "personal knowledge" you say you had no reason to believe that I had been dishonorable or unjust in my speculations, I need only to remark that had I understood you then as I now do, I should have made no allusion to certain complications in your own past financial history. I did it upon the principle that "those who live in glass houses should not throw stones."

As I made no allusion in my letter, however, which had not truth for its foundation, and as a statement of truth can never be a "malicious slander," I can see no just reason why it should have thrown you into so towering a passion; nor can I attempt to imitate the eleva-

tion of thought, the elegant style, or the refined taste of the closing paragraph of your reply.

Respectfully,

JOSEPH E. BROWN.

[Indorsement.]

June 6, 1864.

This communication and the author are alike, unworthy of further notice.

HOWELL COBB.

*Major-General.*

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CHARLESTON, S. C., May 31, 1864.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

Within the last ten days the Yankee fleet at Hilton Head has increased from fifty-three to ninety-two. It may foreshadow an attack on Savannah. Have you any State force available for service there? If so, please let me have them.

SAM JONES,

*Major-General.*

NEW HOPE CHURCH,  
PAULDING COUNTY, GA., June 1, 1864.

HIS EXCELLENCY GOVERNOR BROWN,

Milledgeville and Atlanta, Ga.:

My preoccupation must be my excuse for not communicating with you sooner on movements so interesting to your State. We have moved south from Dalton to this place. The army has had many partial combats and with great advantage to our armies. The sum of these engagements amounts to a battle. The army is in the best condition and is strengthened by the State troops that you have fortunately raised and placed at my disposal for such an emergency.

J. E. JOHNSTON.

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HEADQUARTERS ARMY OF TENNESSEE,  
NEAR NEW HOPE CHURCH, GA.,  
June 4, 1864.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia:*

Your letter informing me that you had organized a division of 3,000 State troops under Maj.-Gen. G. W. Smith and placed at my disposal, has been received. At present the best disposition for this force seems to be the protection of the bridges and guarding the fords on the Chattahoochee leading to Atlanta. I will instruct Major-General Smith accordingly. My commissary re-



ceives orders to supply provisions. Since my telegram to you no change has taken place in the state of affairs here, beyond a gradual extension of the enemy's line to the east, and a corresponding movement on our side.

Very respectfully, your obedient servant,

J. E. JOHNSTON,

*General.*

IN THE FIELD, June 4, 1864.

His Excellency JOSEPH E. BROWN,

*Governor of the State of Georgia, Atlanta:*

I have the honor to acknowledge the receipt of your letter of the 1st instant on the subject of impressment. The only orders I have given on the subject have been that as the army fell back and left territory to fall into the possession of the enemy everything in the way of provisions should be impressed. I did this knowing that in so doing I was not oppressing the inhabitants, from whom the enemy, now suffering for want of provisions and forage, would take everything without compensation and use it to make his farther advance more easy. Around my army I have ordered all stock and forage to be purchased, not impressed. In some cases my orders have been exceeded by my agents, in others violated by lawless persons. I will take pains to remedy this.

And am, sir, very respectfully, your obedient servant,

J. E. JOHNSTON,

*General.*

ATLANTA, June 6, 1864.

His Excellency, JEFFERSON DAVIS:

I have ordered out and forward a division of State troops, including the two regular regiments, of over 5,000 men. They have been accepted by General Johnston for the emergency and now obey his orders and receive rations under his order. Will they, in case of capture of any portion of them, be entitled to the same right of exchange as prisoners of war to which troops are entitled? Please reply promptly to quiet apprehension among the troops.

JOSEPH E. BROWN.

[Indorsement.]

June 6, 1864.

Secretary of War for inquiry and reply on established rule of action.

J. D.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., June 7, 1864.

GOVERNOR J. E. BROWN,

Atlanta, Ga.:

Your telegram to the President referred to me for reply.\* The troops must be turned over as militia to Confederate service. In that event the enemy are bound

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\*See June 6, 1864.

and have always respected the captives as prisoners of war. They have refused so to recognize troops merely in State service.

J. A. SEDDON,  
*Secretary of War.*

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ATLANTA, June 7, 1864.

His Excellency JEFFERSON DAVIS:

I am satisfied, from an intercepted letter, that a raid is fitting out at Port Royal, S. C., to move upon Augusta and destroy the powder mills and rob the banks and move thence to Anderson to release the Yankee prisoners. I hope you will order a cavalry force into position for the defense of Augusta. I think [there] are disloyal persons employed in the powder mills.

JOS. E. BROWN,

[Indorsement.]

AIDE-DE CAMP:

Send substance to General S. Jones, commanding, for his attention. Send dispatches of Generals Chestnut and Cobb to increase General Jones' force by sending to him reserves. Acknowledge telegram of Governor Brown. Notify Colonel Rains at Augusta of suspicion of Governor Brown's. Use cipher. J. D.

HEADQUARTERS GEORGIA RESERVES,  
MACON, GA., June 7, 1864.

GENERAL S. COOPER,

*Adjutant and Inspector-General,*

Richmond, Va.:

GENERAL: On the 28th of April last, I indorsed to you a copy of a letter I had addressed to Governor Brown on the subject of his sweeping exemption of State officers, both civil and military. I now forward to you copies\* of his reply and the subsequent correspondence.

There is but one fact in this correspondence worthy of your consideration. You will observe that Governor Brown regards the act of Congress on the subject of exempting State officers "necessary for the proper administration of the State Government," as a nullity; and his certificate given in response to the requirements of that act was a mere pretense, which he does not and will not deny was wholly untrue.

His excuse for this false certificate you will find to be a resolution of the Legislature of Georgia, which, it seems, he thinks justifies him in making a certificate which was manifestly untrue.

I am, general, very respectfully, yours, etc.,

HOWELL COBB,

*Major-General, Commanding, etc.*

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\*See correspondence, this Volume.

WAR DEPARTMENT, C. S. A.,

RICHMOND, VA., June 9, 1864.

GENERAL SAMUEL JONES,

Charleston, S. C.:

Governor Brown, of Georgia, reports information received by him of contemplated raid of enemy from Hilton Head toward Augusta. I doubt reliability of information, but it would be well to be on guard and take all possible precaution, as the point is vital.

J. A. SEDDON,

*Secretary of War.*

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WAR DEPARTMENT, C. S. A.,

RICHMOND, VA., June 9, 1864.

GENERAL HOWELL COBB,

Macon, Ga.:

Governor Brown reports information received by him of contemplated raid of enemy from Hilton Head toward Augusta. This point is of vital importance. Cannot you dispose reserves in such manner as to render Augusta safe against such surprise?

J. A. SEDDON,

*Secretary of War.*

CHARLESTON, S. C., June 10, 1864.

HON. J. A. SEDDON,

Your telegram of yesterday received. It might be of service to me to know more accurately the information Governor Brown has received and from what source. I think it probable he received it in part from me in a dispatch I sent him on the 31st ultimo. I will take all precautions in my power.

SAM JONES.

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HEADQUARTERS, ETC.,

June 10, 1864.

HIS EXCELLENCY GOVERNOR BROWN,

Milledgeville, Ga.:

SIR: His Excellency the President and the Secretary of War inform me that you have received information of a contemplated raid by the enemy from Hilton Head to Augusta and other points in Georgia. I will do all in my power to frustrate their designs if they attempt to carry them out. It might aid me somewhat to know more accurately the information you have received, and if you have no objection, I shall be glad if you will communicate it to me. And whilst I command this department I will esteem it a favor if Your Excellency will communicate to me any information you may receive of the enemy's movements or plans which you can with propriety give me.

In this particular case I should be glad to know if

your information is subsequent or prior to the 26th ultimo. On that day four or five of the enemy's transports and gun-boats came up the Ashepoo, but were promptly met and driven back with the loss of one transport burned. On examining the transport the charred carcasses of 100 or 200 horses were found. I supposed at the time that the expedition was composed of a regiment of cavalry, recently sent from Boston to this coast, and that they had probably started on a raid which was defeated and driven back with the loss of a third or fourth of the horses and a number of the men.

I had previously given orders to organize the clerks and employes in the different military offices at Augusta, and such other men as could be procured, to be used for local defense in an emergency, and an officer whom I sent to Augusta to hurry forward the organization informs me it is progressing rapidly and well.

With great respect, your obedient servant,

SAM JONES,

*Major-General.*

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., June 18, 1864.

GENERAL HOWELL COBB,

Macon, Ga.:

Governor Brown's exemption must be restricted to

the terms of the law, which requires a certificate of the necessity of State officers only.

See it.

J. A. SEDDON,  
*Secretary of War.*

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ATLANTA, June 28, 1864.

His Excellency JEFFERSON DAVIS,  
Richmond, Va.:

I need not call your attention to the fact that this place is to the Confederacy almost as important as the heart is to the human body. We must hold it. I have done all in my power to re-enforce and strengthen General Johnston's army, as you know. Further re-enforcements are urgently needed, on account of the superior numbers of the enemy. Is it not in your power to send more troops? Could not Forrest or Morgan, or both, do more now for our cause in Sherman's rear than anywhere else? He brings his supplies from Nashville, over nearly 300 miles of railroad, through a rough country, over a great number of bridges. If these are destroyed, it is impossible for him to subsist his large army, and he must fall back through a broad scope of country destitute of provisions, which he could not do without great loss, if not annihilation. I do not wish to volunteer advice, but so great is my anxiety for success of our arms and the defense of the State that I trust you will excuse what may seem to be an intrusion.

JOS. E. BROWN.



RICHMOND, VA., June 29, 1864.

GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

Your dispatch of yesterday received. I fully appreciate the importance of Atlanta, as evinced by my past action. I have sent all available re-enforcements, detaching troops even from points that remain exposed to the enemy. The disparity of force between the opposing armies in Northern Georgia is less as reported than at any other point. The cavalry of Morgan is on distant service and may fulfill your wish. Forrest's command is now operating on one of Sherman's lines of communication, and is necessary for other purposes in his present field of service. I do not see that I can change the disposition of our forces so as to help General Johnston more effectively than by the present arrangement.

JEFF'N. DAVIS.

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ATLANTA, GA., July 2, 1864.

HON. JAMES A. SEDDON,

*Secretary of War, Richmond, Va.:*

SIR: I am directed by the Governor of Georgia to inclose you the within copy of a note received by him on yesterday. His Excellency concludes to withhold the name of the writer, but directs me to say that he is a

gentleman well known by him, and one whose judgment and veracity may well be trusted.

I have the honor, sir, to be, most respectfully,

Your obedient servant,

R. M. JOHNSTON,

*Aide-de-Camp.*

[First indorsement.]

July 17, 1864.

ADJUTANT-GENERAL:

Refer to General Winder, calling his special attention and requesting a report of facts, etc.

J. A. S.

*Secretary.*

[Second indorsement.]

ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,

July 21, 1864.

Respectfully returned to the Secretary of War.

General Winder's letter of the 3d instant, herein inclosed, gives his reasons for paroling and employing the prisoners.

H. L. CLAY,

*Assistant Adjutant-General.*

[Third indorsement.]

July 23, 1864.

ADJUTANT-GENERAL:

I suppose, under the circumstances, General Winder has been obliged to grant the paroles and employ the prisoners as he has done. His attention, however, should be called to the comments made on the act, and he should certainly exercise great caution to obviate the danger that may result from these men being at large.

J. A. S.

*Secretary.*

[Fourth indorsement.]

ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,

July 26, 1864.

Respectfully referred to Brigadier-General Winder. See last indorsement of the Secretary of War.

By order Adjutant and Inspector-General.

H. L. CLAY,

*Assistant Adjutant-General.*

[Inclosure.]

ANDERSONVILLE, GA., June 28, 1864.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

GOVERNOR: Mr. ———— mentioned to me that he saw you a few days ago in Macon, and that you wanted

information relative to Yankee prisoners here on parole. I have been trying several days to get the precise number and how they are employed, but have not succeeded. I can state, on information from prisoners as well as our soldiers, that there are about 300 or a little over. They pass about as freely as our own soldiers do, go into the country, buy vegetables, etc., talk to and trade with our soldiers, though trading with prisoners is strictly forbidden. They have a camp of their own without guard; only one Confederate officer in it, whose duty it is to call the roll at stated times. These prisoners do not work under guard, and are never confined in the stockade. Some are employed chopping logs for the new stockade; some are employed in the bakery, cooking provisions outside for the prisoners in the stockade; some are employed as carpenters, some to bury the dead, some as teamsters, some as litter-bearers, etc. These prisoners have it in their power to do us and the country an immense amount of mischief. I am not able to state anything of consequence they have done, but they get all the information relative to the war supplies, troops, the position of armies, etc., that our own soldiers get. I hear them sometimes quote the telegrams exactly. By acting in concert with the prisoners on the inside, the whole could probably escape. If they should be exchanged or escape to the enemy, they could give much valuable information that would be encouraging to the enemy.

The negro prisoners are worked under guard in daytime and put back in the stockade at night. So are a few of the other prisoners.

I have the honor, Governor, to be,

Your obedient servant,

— . — . —————.

ATLANTA, July 5, 1864.

His Excellency PRESIDENT DAVIS,

Richmond:

I received your dispatch last night. I regret exceedingly that you cannot grant my request, as I am satisfied Sherman's escape with his army would be impossible if 10,000 good cavalry under Forrest were thrown in his rear this side of Chattanooga, and his supplies cut off. The whole country expects this, though points of less importance should be for a time overrun. Our people believe that General Johnston is doing all in his power with the means at his command, and all expect you to send the necessary force to cut off the enemy's subsistence. We do not see how Forrest's operations in Mississippi or Morgan's raids as conducted in Kentucky, interfere with Sherman's plans in this State, as his supplies continue to reach him. Destroy these and Atlanta is not only safe, but the destruction of the army under Sherman opens up Tennessee and Kentucky to us. Your information as to the relative strength of the two armies in North Georgia cannot be from reliable sources. If your mistake should result in loss of Atlanta, and the occupation of other strong points in this State by the enemy, the blow may be fatal to our cause and remote posterity may have reason to mourn over the error.

JOSEPH E. BROWN.

RICHMOND, VA., July 5, 1864.

GOVERNOR J. E. BROWN,

Atlanta, Ga.:

Your telegram of yesterday [to-day] received. I am surprised to learn from you the basis of comparison I made on official reports and estimates is unreliable. Until your better knowledge is communicated I shall have no means of correcting such errors, and your dicta cannot control the disposition of troops in different parts of the Confederate States. Most men in your position would not assume to decide on the value of the service to be rendered by troops in distant positions. When you give me your reliable statement of the comparative strength of the armies, I will be glad also to know the source of your information as to what the whole country expects and posterity will judge.

JEFF'N DAVIS.

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RICHMOND, VA., July 6, 1864.

GENERAL HOWELL COBB,

Macon, Ga.:

Your letter received. By reference to the law you will see that the certificate is only effective as to State officers. You will require the enrolling officers to do their duty.

JEFFERSON DAVIS.

MILLEDGEVILLE, July 7, 1864.

HIS EXCELLENCY JEFFERSON DAVIS,  
Richmond, Va.:

I regret the exhibition of temper with which I am met in your dispatch refusing to grant my request to send Forrest or Morgan, or both, with their commands, to cut off Sherman's supplies and relieve my State. I have not pretended to dictate, but when Georgia has forty to fifty regiments defending Richmond and Atlanta is in great danger, probably no one but yourself would consider the anxiety of the efforts of her Governor to use every argument in his power to obtain re-enforcements just cause of rebuke, while the defense of the Gulf States depends upon the strength of one of the armies now in front of Atlanta and the Western States upon the other. If you continue to keep our forces divided and our cavalry raiding and meeting raids while the enemy's line of communication, nearly 300 miles from his base is uninterrupted, I fear the result will be similar to those which followed a like policy of dividing our forces at Murfreesborough and Chattanooga. If Atlanta is sacrificed and Georgia overrun while our cavalry are engaged in distant raids, you will have no difficulty in ascertaining, from correct sources of information, what was expected of you by the whole people, and what verdict posterity will record from your statements as to the relative strength of the two armies. I venture, at the hazard of further rebuke, to predict that your official estimates of Sherman's numbers are as incorrect as your official calculations at Missionary Ridge were erroneous.

JOS. E. BROWN.

NEAR CHATTAHOOCHEE, July 7, 1864.

His Excellency JOSEPH E. BROWN,

*Governor:*

I have the pleasure to inform you that the State troops promise well, and have already done good service. While the army was near Marietta they were employed to support the cavalry on the extreme left, and occupied a position quite distinct from any other infantry of ours. According to all accounts their conduct in the presence of the enemy was firm and creditable. Such Federal parties as approached the crossing-places of the Chattahoochee guarded by them have been driven back. These proofs of their valor make me anxious that their numbers be increased. Is it possible? You know that the distinguished officer at their head is competent to high command.

Most respectfully, your obedient servant,

J. E. JOHNSTON.

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MILLEDGEVILLE, July 10, 1864

His Excellency JEFFERSON DAVIS,

Richmond:

If you will order 5,000 more muskets to Atlanta, I will try to furnish that number of old men and boys of the State to use them for the emergency. Please answer immediately.

JOS. E. BROWN.



RICHMOND, VA., July 11, 1864.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

The ordnance officer at Macon is ordered to hold 5,000 arms subject to order. General Wright, at Atlanta, is directed to receive and deliver them as needed for the purpose you indicate.

JEFFERSON DAVIS.

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MACON, July 15, 1864.

(Received Richmond 15th.)

HON. JAMES A. SEDDON,

Governor Brown's proclamation calls all exempts and details of the Confederate Government not in actual military service to report as part of militia. I ask that the Department will lay down a rule in the premises that Confederate officers in Georgia may know how far this remarkable proclamation is to be obeyed; before deciding, you should read the proclamation, the main purpose of which is to make issues with the President.

HOWELL COBB,

*Major-General.*

## CONFEDERATE STATES OF AMERICA,

## WAR DEPARTMENT,

RICHMOND, VA., July 16, 1864.

GENERAL HOWELL COBB,

Macon, Ga.:

Detailed men being already in military service of Confederate States are clearly not liable to militia or State duty. Those who have been exempted from service may be so subject. In regard to any classes of detailed men who in your judgment may be judiciously used with the militia, it would be in your power to tolerate the call, sanctioning it as an assignment to temporary duty, but that is matter for your sound discretion.

J. A. SEDDON,

*Secretary of War.*

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ATLANTA, July 16, 1864.

His Excellency JEFFERSON DAVIS:

The Belgian consul at this place complains to me that Major Cummings has seized a lot of tobacco belonging to him, and asks that it be returned with privilege to ship it to Macon or Augusta. I trust you will issue order. Have every reason to believe that the sympathies of the consul are fully with us, and regret that his property has been disturbed.

JOS. E. BROWN.

ATLANTA, July 19, 1864.

His Excellency JEFFERSON DAVIS:

There are several companies in this State, as Captain Chapman's of Augusta, who claim to have been mustered into Confederate Service for local defense, and have not reported here in obedience to my call for the militia to rally to the front for the defense of the State. If these men are claimed by you as subject to your orders, I ask that they be sent immediately to the front to aid in repelling the enemy, or that you inform them that you will not protect them against my call, that I may bring them to Atlanta. In some of the counties the enrolling officers are doing all in their power to prevent those who have agricultural and other details for civil pursuits from responding to the call. The crops are now generally laid by and those able-bodied men can be spared for the military field during this emergency without seriously endangering the provision supplies. I therefore ask you to give such instructions as will stop Confederate officers from throwing obstacles in the way of getting these men into active service when the existence of the State may depend upon the prompt response of every man able to bear arms. Justice to the country and to the brave men who are now confronting the enemy requires that no man shall be protected on account of his wealth or his influence from taking his part of the danger and exposure necessary to check the progress of the enemy. If not prevented by interference of Confederate officers I hope to bring up valuable re-enforcements to General Hood. Let me again beg you to send a cav-

alry force to cut off Sherman's supplies, which must compel his retreat.

JOS. E. BROWN.

[Indorsement.]

July 20, 1864.

*Secretary of War, for attention.*

The men detailed from the army, or thus relieved from assignment to regiments, are subject under emergency to be ordered out with the reserve forces. The men of organizations for "local defense" can be employed according to the terms of their enlistment as provided by law. Those men could only be placed in the militia by first disbanding the local defense organization. The complaints which have been made by enrolling officers and the commander of the reserve force in Georgia of obstructions interposed by Governor Brown will enable you to judge of his expressions in that regard. You cannot imitate his example by announcing what may be attempted to cut Sherman's line of communication without giving further notice to the enemy and placing him still further on his guard. Communicate with General Cobb in regard to use of reserves.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., July 20, 1864.

GOVERNOR J. E. BROWN,

Atlanta, Ga.:

Your telegram of the 16th referred by the President to me. There is no principle of public law exempting the merchandise of a consul, and it might be a source of just dissatisfaction to make an exception.

J. A. SEDDON,

*Secretary of War.*

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WAR DEPARTMENT, C. S. A.,

RICHMOND, VA., July 21, 1864.

GOVERNOR J. E. BROWN,

Atlanta, Ga.:

Your telegram of the 19th, received by President and referred to me, excites surprise. Your late proclamation recognizes the necessity of details in larger measures, it is believed than is allowed by Confederate law. The several companies for local defense referred to by you are organizations under special law and cannot be called for service beyond the terms of their enlistment. They are believed to be essential for the guard of the important points where they now exist. Detailed men are in the military service of the Confederate States and

cannot be enforced to militia duty. Under exigency these details may be suspended or revoked and they called to duty with the reserve forces. General Cobb as commander of reserves is instructed and has discretion in this matter. Disclosure of the views or military plans of the Department is not deemed expedient. While your judgment of its means or the modes of applying them cannot be allowed to control, the best judgment of the Department will be exercised so to employ the military resources of the Confederacy as to defend to the utmost of its ability Georgia as well as the other States.

J. A. SEDDON,

*Secretary of War.*

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WAR DEPARTMENT, C. S. A.,

RICHMOND, VA., July 21, 1864.

GENERAL HOWELL COBB,

Macon, Ga.:

GENERAL: I have just received the proclamation of Governor Brown. Its terms and tendency are deplored. It causes me to add to former instructions that detailed men, being, of course, liable in case of exigency to the suspension or revocation of their details, may be called on temporarily to join the reserve forces. As to this, use your discretion, but the President prefers that, if to be employed, they should be in connection with the reserves alone and not with the militia. If Governor Brown insists on forcing conflict the responsibility must

rest on him, and full confidence is felt that the intelligence and patriotism of Georgia will not sustain him.

J. A. SEDDON,  
*Secretary of War.*

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ATLANTA, July 22, 1864.

HON. JAMES A. SEDDON,

I have asked for no disclosure of the plans of the Department. Judging from their results, I have no wish to be more familiar with some of them. I have only asked necessary re-enforcements for the defense of Georgia. These have been denied, and I have called for the reserve militia, and shall require those in civil pursuits with Confederate details as well as others to report and do their part, and shall compel obedience to the order. The thousands who have such details cannot be permitted to hide behind them when the State is being overrun. Neither my late proclamation nor the laws of Georgia exempts on State account half as many as are protected by Confederate details and Confederate officers.

JOS. E. BROWN.

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HEADQUARTERS,  
MACON, July 23, 1864.

GENERAL J. B. HOOD,

Atlanta:

I am proud to hear of the gallant conduct of the

State troops. Thousands of others have now assembled in response to my call, and will be armed and sent forward as rapidly as possible, who upon the soil of their beloved State will strike with equal valor for the defense of their wives and children, their homes and their altars. I assure you of the most energetic co-operation with all the aid in my power. May God grant you success and aid you to drive the invaders from the soil of the Confederacy.

JOSEPH E. BROWN.

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ATLANTA, July 24, 1864.

GOVERNOR BROWN,

Macon, Ga.:

Your dispatch of yesterday received. I need all the aid Georgia can furnish. Please send me men with muskets as fast as possible.

J. B. HOOD,  
*General.*

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ATLANTA, July 28, 1864—6:20 P. M.

GOVERNOR JOSEPH E. BROWN,

Macon, Ga.:

Raid on our right checked at Flat Rock. Enemy re-



ported as crossing at Campbellton and at Varner's for raid. Cavalry sent to meet it. Send troops to Griffin.

J. B. HOOD,  
*General.*

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July 29, 1864—1:12 P. M.

GOVERNOR JOSEPH E. BROWN,  
Macon, Ga.:

Just have information that the enemy have struck the Macon road six miles below Jonesboro. General Hood desires you to give all possible assistance to repair the damage. Troops have been sent from here to prevent its destruction as far as possible. Please communicate with Captain Hazlehurst, who is somewhere below, gathering railroad iron. I send this letter by Captain Shoup, my aide-de-camp.

(F. A. SHOUP,  
*Chief of Staff.*)

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ATLANTA, July 31, 1864—9:15 P. M.

GOVERNOR BROWN,  
Macon, Ga.:

Wheeler has been fighting the Jonesboro raiders. Has captured many prisoners, their artillery, ambulances,

many horses and mules, and is still pursuing them. They passed back by way of Newnan.

[J. B. HOOD,  
*General.*]

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HEADQUARTERS,  
SAVANNAH, GA., August 14, 1864.

MAJ. C. S. STRINGFELLOW,

*Assistant Adjutant-General:*

A few days ago I requested Governor Brown of this State by letter to suspend the operation of his proclamation in the counties along the Georgia coast, and allow me to organize the militia for local defense under my orders. The accompanying copy of a letter from his aide-de-camp, Colonel Andrew J. Hansell, gives the Governor's views in reply. Can I accept the services of the militia when called out by Governor Brown and organized by his officers, and considered as subject to his call, as stated in his letter? I was desirous of forming companies for local defense, as allowed by act of Congress, No. 28, General Orders, No. 93, Adjutant and Inspector-General's Office, Richmond, of November 22, 1862; but Governor Brown has directed his aide-de-camp to call out along the coast every white person capable of bearing arms from sixteen and upward without limit, thus leaving no one for local organization under the act. A great objection to Governor Brown's organization is that they are controlled by very incompetent persons, although the militia could be of great service in picket-

ing the coast, repelling small raiding parties, and for interior police. Governor Brown's conditions are of such character that I hesitate about going into a co-partnership concerning them, for fear that I might commit the Government in some way I am not authorized to do. I request your decision as to whether or not I can accept the militia under the conditions imposed by Governor Brown. Inclosed is a copy of a letter from Colonel Wayne, which commenced the correspondence.

Very respectfully, your obedient servant,

L. McLaws,

*Major-General, Commanding.*

[Inclosure No. 1.]

HEADQUARTERS EXECUTIVE DEPARTMENT,

MACON, August 11, 1864.

MAJ. GEN. L. McLaws,

Savannah:

GENERAL: I am instructed by His Excellency Governor Brown to acknowledge your favor of the 9th instant, and in reply to say that he received your telegram in relation to suspending his proclamation in certain counties on the coast and south of the Atlantic and Gulf Railroad, and he at once directed a reply to be sent to you from General Wayne, granting the request so far as concerns the counties of Bryan, Liberty, McIntosh, Glynn, Camden, Charlton, and the overseers of plantations in Chatham County, and until yesterday His Excellency had supposed you were in receipt of his answer.

He regrets much that General W., who is now absent, either in the multitude of his engagements omitted to write it, or it has miscarried, or possibly taken by the raiders who got one of our mails going to Savannah, as we learn. The militia of the above-named counties, so far as they are not now at the front, are hereby placed at your disposal for the purposes asked for by you, of course subject to the right of His Excellency to withdraw them whenever he may require them. He instructs me further to say that he will write Maj.-Gen. G. W. Smith to-day, asking him to return to their several counties, embraced in this list, all the militia officers to command these militia, except the officers of Chatham County. He feels constrained to say that he cannot, in view of the extreme peril at the front, extend this arrangement with you to any counties other than those already designated. He consents to the modification of General Wayne's letter of the 23d of July, and the men will not be restricted in service to their own counties, but in your discretion be employed as you suggest.

The Governor has instructed me to direct Colonel Gauling to report to you so that his operations may be subject to your orders. His Excellency is fully sensible of the exposed and destitute condition of our sea-board counties and most deeply regrets his inability to afford them ample protection, but such is the imperative demand for men at Atlanta and so great the results that must ensue a general engagement there, and so extremely urgent is General Hood for every man we can possibly send him, that the Governor is forced to decline ordering home from the front any man except the militia officers mentioned; these he feels ought to be sent to their homes to command such militia as may be there, for they are

the elected and commissioned officers of those men. He thinks the grave question presented by you, "Whether the State organizations will be respected in case of capture?" will be avoided by the fact that these troops will be for the time in C. S. service under you. Don't you think so? If you concur you are authorized to give such publicity to the opinion of His Excellency as you may deem best. The Governor has no arms nor ammunition, and the Confederate States arm and equip all these organizations. They have done so thus far, and he hopes and expects that it is in their power and will be their pleasure to continue to do so. I am directed, General, by His Excellency to tender you assurance of the high esteem and implicit confidence entertained by him, and to assure you of his cordial co-operation to the utmost of his ability.

With great respect, I have the honor to remain, your most obedient servant,

ANDREW J. HANSELL,  
*Colonel and Aide-de-Camp.*

[Inclosure No. 2.]

STATE OF GEORGIA, ADJT. AND

INSP.-GENERAL'S OFFICE,

MACON, July 23, 1864

MAJOR-GENERAL McLAWS,

*Provisional Army, C. S., Commanding at Savannah:*

GENERAL: At the urgent request of the citizens of Liberty county I have authorized and directed my aide-

de-camp, Col. W. B. Gaulding, to organize a force from the reserve militia of Bryan, Liberty and McIntosh counties, to act in co-operation with and to obey your orders for the defense of the people and property of those three counties. Do you wish the co-operation of this force? And if called out at any time, will the Confederate Government furnish it with subsistence, quartermaster's and ordnance stores? An early answer will oblige the Governor. It is understood that this organization is predicated on the idea that the men composing it are called out to defend their own counties.

Very respectfully, your obedient servant,

HENRY C. WAYNE,

*Adjutant and Inspector-General.*

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ATLANTA, August 16, 1864, 7 p. m.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

Fairburn raid amounted to nothing, but the enemy's cavalry still hover in that direction. Retain the militia until further orders.

[J. B. HOOD,

*General.]*

ATLANTA, August 16, 1864, 2 p. m.

GOVERNOR J. E. BROWN,

Milledgeville:

General Wright has been directed to hold the militia at present, as the enemy seems to be threatening a raid on our left from the direction of Campbellton. Can you not replace the men at Andersonville with militia from some quarter of the State other than that?

[J. B. HOOD,

*General.*]

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ATLANTA, August 19, 1864, 10:35 a. m.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

General Winder has been instructed to send the militia at Andersonville to Macon.

[J. B. HOOD,

*General.*]

(Line broken before dispatch could be sent.)

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

August 19, 1864.

As numerous applications are made to this office by

persons who are now in the division of militia under command of Maj.-Gen. G. W. Smith, for furloughs, details, and discharges, I take this method of stating to all concerned that the division has been placed under the command of General J. B. Hood until such time as I may choose to assume the command, or I shall order it disbanded when I am satisfied the emergency has passed. As it is important that there be no divided councils in Atlanta, when so much depends upon the result, I deem it proper that General Hood, while in command of the militia, shall have entire control. So soon, therefore, as the men are armed and sent to Atlanta, I yield the sole command to General Hood, until I shall think proper to resume it as above stated, and all applications for furloughs, details, or discharge must be made to him through the regular military channels. None of them will be acted upon by me. The hospitals of the militia are also under the direction and control of the officers in that department under General Hood, and the State has no control over them. During the time that General Hood commands the militia they are as absolutely under his control for the defense of Atlanta as the Georgians in Virginia are under the control of General Lee. The only difference is in the term of service. Those in Virginia are in for the war, while the militia are in for the emergency, to be judged by the Governor, and they are disbanded or withdrawn by his order.

JOSEPH E. BROWN.



WAR DEPARTMENT, C. S. A.,  
RICHMOND, VA., August 30, 1864.

His Excellency J. E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

Sir: The condition of your State, subjected to formidable invasion and menaced with destructive raids in different directions by the enemy, requires the command of all the forces that can be summoned for defense. From recent official correspondence submitted to the Department, it appears, on your statement, that you have organized 10,000 or more of the militia of your State, and I am instructed by the President to make requisition on you for that number, and such further force of militia to repel invasion as you may be able to organize for Confederate service. Those within the limits of General Hood's department will report to him; those outside to the commandant of the Department of South Carolina and Georgia.

I am, very respectfully, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

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LOVEJOY'S STATION, GA., September 5, 1864.

GOVERNOR BROWN,

Milledgeville:

We are greatly in need of cars to transport sick and

wounded. Can you not allow me to use the cars you have sent to Griffin for your purposes?

J. B. HOOD,  
*General.*

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LOVEJOY'S STATION, GA.,  
September 9, 1864, 8:20 a. m.

GOVERNOR BROWN,  
Milledgeville:

General Sherman has ordered the removal of all citizens from Atlanta to go North or South. I desire to see you. It will be necessary to make arrangements to prevent suffering.

J. B. HOOD,  
*General.*

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GA.,  
September 10, 1864.

GENERAL J. B. HOOD,

*Commanding Army of Tennessee:*

General: As the militia of the State were called out for the defense of Atlanta during the campaign against it, which has terminated by the fall of the city into the

hands of the enemy, and as many of these left their homes without preparation (expecting to be gone but a few weeks), who have remained in service over three months (most of the time in the trenches), justice requires that they be permitted, while the enemy are preparing for the winter campaign, to return to their homes and look for a time after important interests and prepare themselves for such service as may be required when another campaign commences against other important points in the State. I, therefore, hereby withdraw said organization from your command.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

September 10, 1864.

*To the Militia Composing the First Division:*

I have this day withdrawn you from the command of General J. B. Hood. You entered the service for the defense of Atlanta. That city has for the time fallen into the hands of the enemy. The campaign against it is now at an end. Most of you entered the service with but little preparation, leaving important interests to suffer, expecting to return home in a few weeks. You have borne the fatigue and dangers of the campaign with manly firmness and heroic valor, and have won for the Georgia militia a proud name in history. The fall of Atlanta leaves the State exposed to further invasion. The enemy will fortify that place, accumulate supplies,

and prepare for a winter campaign against Macon and other interior points, which, if taken, will leave many of your homes and loved ones within his lines, and expose the homes of others to the ravages of his raids. To prevent this it may soon again be necessary for you to lift your strong arms to repel his advance. In the meantime it is due to you that an opportunity be given you to put your houses in order and provide as best you can for the future wants of those dependent upon you. One of the important crops of the State now needs attention or a large quantity of sirup will be lost, which is of great value. It is also due you that you have an opportunity to return home and bring to the front with you any and all who are subject and have avoided or refused to take their just part in the dangers and hardships which you have endured. I therefore hereby order and direct that each and every officer and soldier in the division have a furlough of thirty days. I further order that all persons over the age of fifty years be detailed until further orders to perform necessary patrol duty at home, and to arrest and send forward, when the division returns to the field, all who are subject who do not report. All details of persons under fifty years of age for patrol service at home are hereby revoked, and the men over fifty years of age are directed to take their places and will remain at home as long as they faithfully discharge the duties above mentioned. If they neglect them they will be ordered back to the field. All details or furloughs to remain at home granted by any aide-de-camp or officer, except from these headquarters, are hereby declared void, and those who hold them are hereby required to report with the division at the end of thirty days. All furloughs granted at these headquarters to persons in

Confederate employment, upon the certificate of the head of any of the Confederate departments in Georgia, are to remain in force until further orders, as well as all details of physicians and millers heretofore made, upon the application of the justices of the inferior courts of their respective counties.

As furloughs could always be obtained with much less difficulty if every man would return at the time designated, and as it is very important that the division re-assemble in its full strength at the time appointed, it is not expected that any will be absent at roll call. All who are thus absent will be considered deserters. Each company is expected to assemble at the court house, or some other place agreed upon in the county of its location, on the day before it is necessary to start to the front at the end of the furlough, and the captain will detail men to go after and bring up to the front all who do not report. The company is expected to see to it that every man subject accompanies them back or is brought up immediately under guard. It is reported that many persons in the cities of the State have avoided service by uniting with what are usually called local companies, since the date of my proclamation of the 9th of July last ordering all the militia of the State under fifty-five years of age into active service. As it is unjust to those who have undergone the hazard and fatigue of the late campaign that these men should in this way avoid service at the point of danger, and as a distinguished judge is reported to have decided that the members of these local companies were not upon active duty and not subject to military laws as Confederate soldiers in service—which decision seems to be founded in law and common sense—I further order that the militia who are now at the front

from these counties, on their return at the expiration of their furlough, bring with them, under arrest if necessary, all persons subject who were not members of said companies on the 9th of July, together with all persons who remained at home attending to their ordinary business under Confederate exemptions or details who have not exemptions granted as above mentioned. These orders, so far as they relate to the militia now in service, will be executed by Maj.-Gen. G. W. Smith, who will give all orders necessary to carry them into practical effect. At the end of thirty days the division will reassemble at Macon.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

September 12, 1864.

HON. JAMES A. SEDDON, *Secretary of War*:

SIR: Your letter of 30th of last month only reached me by last mail.

You refer to the fact that I have organized ten thousand of the militia of this State, and say you are instructed by the President to make requisition upon me for that number and such other force of militia to repel invasion as I may be able to organize.

You preface this requisition by the remark that the condition of my State, subjected to formidable invasion and menaced with destructive raids in different directions

by the enemy, requires the command of all the forces that can be summoned for defense.

In common with the people of Georgia, I have abundant reason to regret that the President has been so late in making this discovery. This "formidable invasion" commenced in May last, and has steadily forced its way, by reason of overwhelming numbers, through the most fertile section of Georgia, till its leader is now in possession of the city of Atlanta, menacing the centre of the State, threatening by his winter campaign to cut the last line of railroad that connects Virginia and the Carolinas with Alabama and Mississippi. The President, during most of the time since the campaign against Atlanta began, has had at his command a large force, said to number some thirty thousand men in Texas and Louisiana. Since the brilliant victories achieved by our men in the latter State early in the season, this large force has had no enemy to confront except the troops of a few garrisons, who were in no condition to penetrate the interior of the country or do any serious damage. He has also, if correctly reported, had about twenty thousand men under General Early, invading Maryland and Pennsylvania, thereby uniting Northern sentiment against us and aiding President Lincoln to rally his people to reinforce his armies. About the same time General Morgan was raiding in Kentucky, and General Forrest, the great cavalry leader, has been kept in Northern Mississippi to repel raids after the country had been so often overrun as to leave but little public property for them to destroy.

Thus, reversing the rule upon which most great Generals, who have been successful, have acted, of rapid concentration of his forces at vital points to destroy the

invading army, the President has scattered his forces from Texas to Pennsylvania, while a severe blow was being struck at the heart of the Confederacy; and Atlanta has been sacrificed and the interior of Georgia thrown open to further invasion for want of reinforcements to the army of Tennessee. Probably few intelligent men in the country, except the President and his advisers, have failed to see that if Generals Forrest and Morgan had been sent to destroy the railroads over which General Sherman's supplies have been transported for three hundred miles through an enemy's country, and to keep the roads cut for a few weeks, and at the same time the forces of General E. Kirby Smith and Major-General Early, or even half of them, had been sent to re-inforce Gen. Johnston or after he was superseded, General Hood, the army of invasion might not only have been repulsed and driven back, but routed and destroyed.

This would instantly have relieved Georgia, Alabama, Mississippi, and Tennessee from invasion and raids, and have thrown open the green fields of Kentucky for the support of our gallant troops. As the Army of General Sherman is the only protection provided by the Lincoln Government for the Western States, and as the battle for the possession of a large portion of the Mississippi Valley, as well as of the Gulf States, was to be fought in Georgia, justice, not only to the people of Georgia but the people of all the States, required that all the troops which were not actually necessary to the defense of Richmond and to hold the enemy in check at the most vital points on the coast should have been concentrated for the destruction of the Federal army in Georgia, which would, in all probability, have brought the war to a speedy termination, I have begged the President to send



re-inforcements to the army for the defense of Atlanta ever since the enemy were at Etowah. But a very small number have been sent, and if I am correctly informed, part of the troops under General Hood's command have been ordered from this to other States.

While we have been sorely pressed by the enemy a camp of 30,000 Federal prisoners has been kept in the rear of our army, which has added greatly to our embarrassments, and has, it seems, required all the small force of Confederate Reserves, organized by Major-General Cobb, with other occasional re-inforcements to guard them. The reserve force organized under the late Conscript Act for State defense, has been thus employed, I presume, by order of the President, and in the hour of her peril Georgia has not had a single one of them at the front with a musket in his hand to aid in her defence. Had the militia been at his command for such service as he might have ordered, and at such place as he might designate, the presumption is that the same remark might have been applicable to them, as other employment could, as in case of the local companies under the President's command, have been found for them at other places while the enemy were besieging Atlanta.

Another remarkable fact deserves attention. During the whole march of the enemy upon Atlanta, and for more than a month after it was closely invested and shelled by the enemy, it never seems to have occurred to the President to make requisition upon me for the militia of Georgia to aid in repelling this "formidable invasion" or these "destructive raids," and it is only when he is informed that I have an organization of gallant, fearless men ready to defend the State against usurpations of power as well as invasion by the enemy, that he

makes requisition upon me for this force and all others I can organize. I must express my astonishment, however, that you and the President should seem to be ignorant of the fact that this force was organized by me to aid in repelling the army of invasion, that it was placed by me under the command of General Johnston and afterwards of General Hood for the defence of Atlanta, and that the brave men of which it is composed under the command of the General appointed by the President for the defence of the city, have taken their full share in the dangers, fatigues and sufferings of the campaign, and have acted with distinguished valor both upon the battle-field and for over forty days in the trenches around the city of Atlanta, and that they formed the rear guard when Atlanta was evacuated, and brought off with them safe and in good order the reserve artillery of the army which was especially entrusted to them by the Commander-in-chief. For all this no word of thanks or praise comes from the President to encourage them. They were militia. Their Generals and other officers were not appointed by the President and their services are ignored by him.

In making this requisition it is quite clear that it was no part of the President's object to get these brave men into service. They were there at the time, in the trenches, among those who were nearest to the enemy, where they never faltered in a single instance. It was not done to produce harmony in the command, for the most perfect harmony has existed between me and both the Generals who have commanded the army since the militia were called out, and it is well-known that I placed them for the time under the absolute control of the Confederate General Commanding. It was not done to increase the

number in service at the front, for the President is too familiar with the obstacles thrown in my way by Confederate officers when I have attempted to compel men to go to the trenches, to have committed this mistake. It was certainly not done to cause Georgia to furnish her quota of troops required in like proportions of other States for she has already furnished more than her just quota, and to every call responded with more than were required, while she has borne the rigors of conscription executed with as much severity as in any other State. I hear of no similar requisition having been made upon any other State. While Georgia has more than filled every requisition made upon her *in common with her sister States*, and has borne her full share of conscription, and has for months had her reserved militia under arms from sixteen to fifty-five years of age, I am informed that even the Confederate reserves of other States from seventeen to eighteen, and from forty-five to fifty, have till very lately been permitted by the President to spend much of their time at home attending to their ordinary business. Without departing from legitimate enquiry as to the cause of this requisition, I might ask why this distinction is made against the good people of this State, and why her Confederate reserves are kept constantly in service, and why requisition is made for her whole militia, when the same is not required of any other State. It is quite clear that it was not made either to compel the State to do her just part which she has always done, or to put more of her sons into active service for *her* defence, for every man called for by the requisition was in service before it was made. The President must then have had some other motive in making the requisition, and I think it not uncharitable under all the circumstances

to conclude that the object was to grasp into his own hands the entire control of the whole reserve militia of the State, which would enable him to disband its present organization, and place in power over it his own partisans and favorites as Major-General, Brigadier-Generals, etc., in place of the distinguished officers who were appointed to command in conformity to the Constitution of the country and the laws of the State, and who have commanded the organization with so much honor to themselves, satisfaction to the troops, and advantage to the public service.

Again it is worthy of remark that the requisition is made upon me for the whole militia of the State—all I have organized and all I can organize—without limitation of time or place of service. If I comply with it the militia of Georgia after the President has obtained absolute control over them may be taken for the war from their State, as tens of thousands of their brave fellow-citizens now are, while Georgia and their homes are being overrun. If I am asked to trust the sound judgment and good faith of the President from their discharge and return to their homes at such times as their services are not indispensable in the military field, I cannot forget the faith that was violated last fall to thousands of Georgians who were organized under a requisition from the President to be “employed in the local defence of important cities and in repelling *in emergencies* the sudden or transient incursions of the enemy,” to be employed “only when and so long as they might be needed,” “with the privilege of remaining at home in the pursuit of their ordinary avocations, unless when called for a temporary exigency to active duty.”

Thousands of these men organized for six months ser-

vice, with the guarantees above mentioned, were called out early in September last, and were kept constantly in service till the expiration of their term in March. During most of the time they were guarding no important city. There was no sudden emergency or transient incursion of the enemy, no exigency for the last four months of the time, and still they were kept in service in violation of the faith that had been pledged to them, and were denied the privilege of going home or attending to the "pursuit of any of their ordinary avocations," and this too after the contract, under which they had entered the service, had been pressed upon the consideration of the President.

It is impossible for the agricultural and other industrial pursuits of the people to be saved from ruin if the whole reserve militia of the State, from 16 to 55, are put permanently into the service as regular troops. Judging from the past, I can not place them at the command of the President for the war, without great apprehension that such would be their fate. Indeed, not even the President's promise to the contrary is found in the requisition you now make. I am not, therefore, willing to expose the whole reserve militia of Georgia to this injustice, and our agricultural and other interests to ruin when no other State is required to make any such sacrifice or to fill any such requisition.

The Constitution of the Confederate States authorizes the States, as well as the Confederacy, to keep troops in time of war when actually invaded, as Georgia now is. Her militia have been organized and called into active service under her own laws for her own defence; and I do not feel that I am authorized to destroy her military organization at the behest of the President, or to surren-

der to him the command of the troops organized and retained by her by virtue of her reserved power for her own defence, when greatly needed for that purpose, and which are her only remaining protection against the encroachments of centralized power. I therefore decline to comply with or fill this extraordinary requisition. While I refuse to gratify the President's ambition in this particular, and to surrender the last vestige of the sovereignty of the State by placing the remainder of the militia under his control for the war, I beg to assure you that I shall not hesitate to order them to the front, and they will not shun the thickest of the fight when the enemy is to be met upon the soil of their beloved State. Nor will I withhold them from the temporary command of the Confederate General who controls the army during great emergencies when he needs their aid.

I shall, however, retain power to withdraw them and to furlough or disband them for a time, to look to their agricultural and other vital interests which would otherwise be ruined by neglect, whenever I see they can be spared from the military field without endangering the safety of the State. Of this the Governor of the State, at Milledgeville, where he is near the field of operations, and can have frequent interviews with the Commanding General ought to be as competent to judge as the President of the Confederacy, some hundreds of miles from the scene of action, charged with the defence of Richmond and all the other responsibilities which require his attention and divide his time.

Georgia now has upon the soil of Virginia nearly 50 regiments of as brave troops as ever met the enemy in deadly conflict, not one of which ever faltered in the hour of trial. She has many others equally gallant aiding in

the defence of other States. Indeed, the blood of her sons have crimsoned almost every battle-field east of the Mississippi, from the first Manassas to the fall of Atlanta. Her gallant sons who still survive are kept by the President's orders far from her soil while their homes are being overrun, their wives and children driven out before the enemy and reduced to beggary and want, and their almost idolized State exposed to temporary subjugation and ruin. Experience having shown that the Army of Tennessee, with the aid of the militia force of the State, is not able to withstand and drive back the overwhelming numbers of the army of invasion, as the Executive of Georgia, in behalf of her brave sons now absent in other States, as well as of her whole people at home, I demand as an act of simple justice that such re-enforcements be sent as are necessary to enable the army upon her soil to stop the progress of the enemy and dislodge and drive him back. In view of the fact that the permanent possession of Georgia by the enemy not only ruins her people, but cuts the Confederacy, east of the Mississippi in two, and strikes a death blow at the Confederate Government itself, I trust this most reasonable request will be granted. If, however, I should be informed that the President will send no re-enforcements and make no further effort to strengthen our defences, I then demand that he permit all the sons of Georgia to return to their own State, and within her own limits, to rally around her glorious flag and as it flutters in the breeze in defiance of the foe, to strike for their wives and their children, their homes and their altars and the "green graves" of their kindred and sires; and I as their Executive promise that whoever else may be withdrawn from her defence, they will drive the enemy back to her

borders, or, overwhelmed and stricken down, they will nobly perish in one last grand and glorious effort to wrest the standard of her liberties and independence from the grasp of the oppressor and plant it immovably upon her sacred soil.

I am, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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LOVEJOY'S STATION, GA., September 13, 1864.

GOVERNOR J. E. BROWN,

Milledgeville:

The enemy having robbed the people in the vicinity of Jonesborough, I have about 1,000 applications daily for rations for persons in that quarter. I cannot subsist them. Can you not make other arrangements and send food for them?

J. B. HOOD,

*General.*

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RICHMOND, VA., September 19, 1864.

[CIRCULAR LETTER.]

His Excellency JOSEPH E. BROWN,

*Governor of the State of Georgia, Atlanta:*

SIR: I have the honor to call your attention to a



matter of public interest, in which the harmony of action between the State and Confederate governments is essential to the public welfare.

In some States executive proclamations have been issued requiring all aliens within their limits to render military service or to depart from the State within a specified period. The language of these proclamations has been so general as to admit of no exceptions, and their effect has been in some instances to alarm alien mechanics and laborers employed in the Confederate workshops and factories, to induce them to abandon their employment, and to demand passports in order to return to their country.

Skilled workmen, experts in various mechanical pursuits, indispensable in the foundries, laboratories, arsenals, machine shops, and factories, have been engaged in Europe under contracts which guarantee to them immunity from the obligation of bearing arms, and many immigrants are now on their way to the Confederacy on the faith of these contracts.

It is not doubted that the Governors of the several States who have issued such proclamations entertained no intention of interfering with mechanics and workmen in the Confederate military service. Men who are employed in manufacturing and preparing munitions of war and military supplies are as effectively engaged in the defense of the country, and should be as free from interference by the State authorities as the soldiers in the field. But the failure to indicate in the proclamations already issued that such men as are thus employed in the Confederate service are not intended to be embraced within the terms of the proclamation has already given

rise to the abandonment of work indispensable to the army.

I have therefore respectfully to request that in all cases where such proclamations have been or may hereafter be issued, the necessary notice be given that they do not apply to this class of aliens.

In addressing to you this communication it is my purpose carefully to avoid raising any question that could produce a conflict between the General and State governments, and I therefore refrain from the expression of an opinion on the constitutionality of such exercise of power as is involved in these proclamations. It may not, however, be improper to invoke your consideration of the policy of banishing from our country at a time when the services of every man are particularly valuable, such aliens as have not acquired the residence which would subject them to military service, but who are willing to serve their country as artisans during the war. It is plain that the labor of all such as are usefully employed in the Confederate workshops, factories, and laboratories must be performed by some one, and if these undomiciled foreigners are driven away their places must be supplied (if indeed they could be supplied at all) by men detailed from the army; and the action of the State authorities would thus result in an effect precisely the reverse from that intended by them; it would diminish instead of increasing the strength of the armies. Those aliens who even are laboring elsewhere than in the service of the Government are efficiently aiding our cause by services of great value in furnishing to our people many necessary articles, such as shoes, clothing, machinery, agricultural implements, and the like, which it is now so difficult to obtain from abroad.

It is submitted that sound policy would require us to encourage during the war rather than prohibit the residence of such persons among us, even though they are not available for service in the field.

I am, sir, very respectfully, your obedient servant,

JEFFERSON DAVIS.

(Same to Governor Vance, of North Carolina; Watts, of Alabama; Bonham, of South Carolina; Smith, of Virginia, and Milton, of Florida.)

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STATE OF NORTH CAROLINA,

EXECUTIVE DEPARTMENT.

RALEIGH, September 23, 1864.

His Excellency GOVERNOR JOSEPH E. BROWN,

Atlanta, Ga.:

DEAR SIR: The Legislatures of the various States will soon be in session. It will become them to take such steps in aid of the common cause as the perilous and straightened condition of the country demands. The great evil of desertion must be broken up, if possible; provision must be made to feed the poor, and the feeble and desponding must be encouraged and inspired with hope; and, beyond all else, men must be sent to the armies of Generals Lee and Hood. To find how and where to get these men is the great object of inquiry. Large numbers, no doubt, are in the various departments of the Confederate Government who could be sent to the field and their places filled by non-com-

batants. It will be for the Confederate Government to look after these. There are also numbers engaged in the various State departments who might be spared. And there is yet a large class of State officers in all the States withheld from service, not only on account of the necessity for them in administering the governments, but also because the principle of States sovereignty rendered it improper to allow the Confederate Government to conscript them. This latter class I suppose to be quite numerous in all the States, and could there be a way prescribed to put at least a portion of them into service without injuring the efficiency of the State governments, and without infringing upon the rights of the States and their dignity as sovereigns, they would constitute quite a material re-enforcement to our hard-pressed armies. It seems indeed desirable beyond doubt. However, it is especially desirable that action on this and all kindred matters should be uniform, or as nearly so as possible. It would avoid much discontent for every man to know that he was required to do only that which every one else has to do, and that the burdens of the war are fairly distributed. In order to attain this uniformity, as well as to consult on any other matter of possible concern which might present itself, I beg leave respectfully to suggest a meeting of all the Southern Executives on this side of the Mississippi at some such point as Augusta, Ga., during the coming month of October, when and where some general plan of action might be agreed upon for the relief of the country, and recommended to our several Legislatures. Should such a suggestion meet with favor at your hands, I would be greatly pleased to hear from you in regard to the time and place of meeting. Any time, so far as I can now

see, will suit me, and any place within three days' travel by rail.

I am, Governor, very respectfully, your obedient servant,

Z. B. VANCE.

(Letters of the same tenor with the preceding one were today sent to the Governors of South Carolina, Alabama, Florida, Mississippi, Tennessee and Virginia.)

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, October 1, 1864.

His Excellency Z. B. VANCE:

DEAR SIR: Your communication of 23d of September came to this office by last mail.

While your remarks in reference to State officers are not applicable to this State, where every officer, civil and military, who can possibly be spared and keep the State government in existence, is and for months past has been in military service as part of the militia of the State, they may be, and probably are, applicable to other States.

The questions you present for consideration are grave ones and are well worthy of a consultation on the part of the Governors of the respective States.

It will afford me great pleasure to meet you and the other Governors at such time and place as may be agreed upon. As the Legislature of this State meets the first Thursday in November, and as it is important that I be at home for a few days prior to the meeting to prepare for the session, I respectfully suggest that the meeting

be held in Augusta on the 17th of this month. As your letter will probably be received by each before this reaches you, it may be easy to learn by telegraph whether this time will be agreeable. If not, I will, if in my power, conform to the wish and convenience of others.

I do not know where to send the letter you enclosed for Governor Caruthers, of Tennessee. I have sent it to Brig-Gen. M. J. Wright, of Tennessee, who commands the post at Macon, in this State, with request that he forward. It is probably not known to you that Governor Caruthers has never been inaugurated, and that Governor Isham G. Harris is still the Governor of Tennessee. His address is Macon, care of General Wright, who, I believe, is his brother-in-law.\*

I am, very truly, etc.,

JOSEPH E. BROWN.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, October 8, 1864.

His Excellency J. E. BROWN,

*Governor of Georgia,*

Milledgeville, Ga.

SIR: Your letter of the 12th ult. reached me some days since. Its tenor and spirit have caused painful surprise. It requires forbearance in reply to maintain

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\*A mistake. General M. J. Wright was not related to Governor I. G. Harris.

the respect I would pay your station, and observe the official propriety you have so transcended. I shall seek to notice only such portions as appropriately pertain to an official communication.

The Department, on the 30th of August, under the direction of the President, made a requisition upon you for the entire militia, which had been or should be organized by you, that they might be employed to repel the "formidable invasion" of Georgia, by the enemy, and to secure her from "destructive raids." The requisition was for militia in a state of organization. The appointment of the officers of militia is secured by the Constitution to the State from which they are drawn, and in proposing to accept organized militia, the officers legally appointed would necessarily accompany their commands.

The inducements to this call were several. You had in official communication, stated that you had ten thousand militia organized, and you were known to be apparently busy in organizing others. Of these, a portion, it was known, were with the army of Tennessee in some auxiliary relation, and had rendered valuable service with that army in the defense of Georgia. Only a limited number, however, not believed to constitute half of the number reported by you to be actually organized, were so employed, and were, as has been announced by you, held there only at your pleasure, and for such time and during such operations as you might approve. The services of these gallant defenders of their State, were so appreciated, as to render it desirable that the full number organized or to be organized, should be secured, to repel the formidable invasion threatening to overrun the State; and both to impart greater unity and efficiency to the command of them and enable the general commanding,

to rely on the period and tenure of their services, it was necessary they should be in Confederate service, and subject not to your judgment or disposal, but to the control of the Constitutional Commander-in-Chief. It is easy to see how uncertainty as to their control or retention, must impair reliance by the Commander on these troops, and embarrass all calculations for their employment and efficiency in combined operations. An additional ground of the call was, that some of these troops had been detailed for objects not admitted by the enrolling officers in the State to be authorized by Confederate law, and others were claimed as primarily liable, or previously subjected to Confederate service. This had engendered controversy, and endangered collision between the local Confederate and State authorities, which it is most desirable to anticipate and preclude.

Besides, these militia, as far as they were serving with the Confederate Army, had to be subsisted from the commissary stores of the Confederacy, and might equitably expect pay from its treasury; but if held as State troops only, both subsistence and pay constituted a charge on the State alone.

Serious embarrassments had already arisen on these very points, and departure had been necessary from the regular obligations of the Confederate Government, which were not just to either that Government or its disbursing officers. The powers of the Confederate Government to provide for the common defence, are exercised according to laws through agencies adopted by Congress. None of these laws contemplated the fulfillment of this duty, by troops organized and held by the State in its own service, and under officers responsible only to it.

The Constitution of the Confederate States does not



*confer* on the State, the power to keep troops in time of war. The States are prohibited from "keeping troops or ships of war in time of peace, entering into any agreement or compact with another State, or with a foreign power, or engaging in war, unless actually invaded, or in such imminent danger as will not admit of delay." The power of keeping troops in time of war, is thus reserved, and naturally includes whatever is necessary to accomplish the object of the reservation, and is limited in its scope and operation only by the Constitution of the Confederate States "and the laws which shall be made in pursuance thereof." It does not imply any withdrawal from the Confederate Government, of those instrumentalities and agencies, that the Constitution has confided to the Government of the Confederacy for the fulfillment of the obligations it has imposed upon it.

The powers to declare war, to raise armies, to maintain a navy, to make rules for the government of the land and naval forces, to make rules concerning captures on land and water, to protect each of the States against invasion, which are deposited with Congress, manifest the purpose of the States in forming their Constitution, to charge the Confederate Government with the burden of providing for the common defense. The clause in the Constitution relative to the militia, was framed in harmony with the same purpose. The Constitution charges Congress with the organization, equipment and discipline of the militia, and designates the President as Commander-in-Chief of those that may be called into service.

It was evidently the design of the Constitution, and of the laws of Congress in pursuance thereof, which are the supreme law of the land, that the President should have the discretion and the power of calling this militia

into service, and having personally or through Confederate Commanders, the disposition and command of them. In a crisis of great peril, and in a case of plain invasion of your State, he has exercised this power, and made the constitutional requirement on you. You have met it with a distinct refusal.

This is the first instance in the annals of the Confederacy of the suggestion of a doubt on the right of the President to make such call, and the obligation of compliance by the State Executive.

During the last war with Great Britain, a question of the kind was made by the Governors of Massachusetts and Connecticut with the President of the then United States. They claimed to decide whether the exigencies existed which authorized the President to make a requisition for militia to repel invasions, and denied his power to associate them with other troops under a Federal officer. They affected to believe the exercise of such a power, imperiled State Rights, and promoted personal ambition. The judicial tribunals determined adversely to the pretensions of these Governors, and the country did not fail to discover, lurking under their specious pretenses, hostility, scarcely less than criminal to the constituted authorities of the Union, an unlicensed ambition in themselves, and a dangerous purpose, in the midst of war, to cripple patriotic efforts for the public defence. The impression was not wanting, either then or since, that they were even in communication with the enemy, or at least proposed to give them encouragement and moral support.

Without imputing to you such designs, I cannot repress apprehensions of similar effects from your analo-

gous course, under the present more trying circumstances as indeed it must be admitted in all particulars; and especially on the main point of the existence of invasion, there was more plausibility in their case than in yours, on the grounds assigned for refusal.

On analyzing Your Excellency's letter, it is apparent that the prominent and influencing reasons of your action, spring from a spirit of opposition to the Government of the Confederate States, and animosity to the Chief Magistrate whom the people of the Confederacy have honored by their choice and confidence. Your reasons may be reduced to the following:

1. That the campaign in Georgia not having been controlled by the President, according to your conceptions, or with the means you advised, you will not permit any force you can control, to be subject to his disposition; but will yourself retain their control, and mete out your assistance according to your views of policy and State interest.

2. That you suspect the President of a design, after the reception of these militia, to disorganize or disband them that he may displace the officers commanding them and substitute his partisans and favorites.

3. You apprehend that these militia, under the President's control, will be employed for such length of time, and under such conditions as will be deleterious to the interests of themselves and the State, and esteem yourself a better judge on these points, especially as to when and where they shall be employed, furloughed or discharged, etc.

4. That these troops, besides being necessary as a defence against invasion, are also necessary to defend

the State against usurpations of power, and as "a protection against the encroachment of centralized power," and that the knowledge of the President of their ability and disposition to do this was the motive for the call on you.

In reference to the first, it might not be safe as it would not be expedient now to expose the circumstances of the present campaign, the counsels that guided, or the resources that have been or could be commanded for its operations.

None should have known more certainly than Your Excellency the zeal and energy with which the President and this Department, under his auspices, have striven to command resources and means for the defence of Georgia and the overthrow of the invader, nor the impediments and difficulties often unfortunately resulting from the obstruction of the local authorities which they had to encounter. Aware early of the danger that menaced the State, besides concentrating the troops from other Departments for its defence, this Department strained all the powers vested in it for recruiting the army within the limits of Georgia, and accumulating supplies for its support. The legislation of the Congress that ended its session in February last had been comprehensive and vigorous.

Your Excellency cannot have forgotten how that legislation was denounced and the efforts of the department impaired by the countervailing action of the Executive and local authorities of your State. To the department it cannot be imputed as a fault that Georgia was invaded by "overwhelming numbers." The ten thousand militia you boast to have organized, without adding to the count, those you are proceeding to organ-

ize, if incorporated with the veteran regiments prior to the 1st of May, would have been an invaluable acquisition to the army of Tennessee, and not improbably have hurled back the invader from the threshold of your State. That they, or a large proportion of them at least, were not ready for that service and other auxiliary means to its operations were not afforded, I am bound to think was due to the obstacles and embarrassments interposed by Your Excellency and the local authorities with your countenance, to the enforcement of the acts of Congress for the recruitment and maintenance of the armies. Your Excellency may not have foreseen and realized the extent and import of the approaching invasion, but to whom, then, with most safety and wisdom (apart even from constitutional obligation), can the disposition and command of the troops in question be committed?

In your second reason it is difficult to find anything but the ascription to the President of an unworthy design—a design that cannot be accomplished without disappointing the objects which I have explained as the cause of the requisition. The disbanding of the militia organizations, after their call into service, would result in the discharge of such of the men as are not liable to service under the act of Congress of February last, and those who are liable, in such an event, would be placed in those veteran regiments raised for Confederate service in the State of Georgia prior to April, 1862, whose diminished numbers attest the fidelity, valor and suffering with which they have performed their duty. Whether, therefore, the militia be retained in their militia organization, as is contemplated, or be disbanded as you apprehend may be done, in neither event can new organizations be made or new officers appointed. Your suspicions

as to the motives and design of the President are simply chimerical.

In your third reason, Your Excellency has apparently forgotten the true inquiry, where, constitutionally and legally, in all such matters, the discretion of decision is lodged, and further, that a provision adequate, in the view of Congress, against abuse has been provided in the limitation of time for which the militia may be called out, to six months. In illustrating the danger of undue detention in Confederate service, Your Excellency refers to the course pursued towards the troops for local service, enlisted by you last fall, under a call from the Department. During the last winter, your Excellency addressed to this Department an acrimonious letter on this subject, which was replied to in a spirit of forbearance, and with a careful abstinence from the use of recriminating language.

Justice to myself demands that I should place upon the records of the Department the facts to which you have again alluded in the same language of acrimonious reproach. It had been designed to raise troops for special defence and local service as the general rule throughout the State, to constitute a part of the Provisional Army, and to be subject to the call of the President when needed. You asked to supervise and control the whole matter, and unfortunately the privilege was yielded.

You abused it to form non-descript organizations, not conforming to the regulations of the Provisional Army, scant in men and abounding in officers, with every variety of obligation for local service, generally of the most restricted character, and for the brief period of only six months. Thus it was that you were enabled to

indulge the vain boast of raising some sixteen thousand men for the defence of the State, while in fact, scarce a decent division of four thousand men could be mustered for the field, and those only for six months service. From the time they were passed to Confederate service there was pressing necessity for their presence in the field, for Georgia was not only menaced, but actually invaded, and the number was too limited to allow substitution or furlough. Apart from this, you persistently claimed that they should be held and regarded as militia. In that view, they could not, if dismissed, be recalled on emergency as local troops, and this naturally induced their detention for the full period of their limited term of service.

To your last reason I refrain from replying, as its character would justify. I cannot think the significance of the language quoted has been duly appreciated by Your Excellency. I prefer to consider them as inconsiderate utterances rather than the foreshadowing of a guilty purpose to array your State in armed antagonism against the Confederacy, and so to betray the cause of herself and sister States.

Such purpose I know would be scorned and rebuked by her heroic soldiery and loyal people, and it will not, while it be possible to avoid it, be ascribed by me to one whose official station makes him their recognized organ. I must, however, gravely regret that the spirit of Your Excellency's past action and public expressions, has caused grievous misconceptions in relation to the feelings and purposes of yourself, and perhaps of others of influence in your State, in the convictions of our enemies to their encouragement, and the mortification of many patriotic citizens of the Confederacy.

Our enemies appear to have conceived you were even prepared to entertain overtures of separate accommodation, and that your State, so justly proud of its faith, valor and renown, could be seduced or betrayed to treachery and desertion. So painful a manifestation of the hopes inspired by your indulgence of resentments and suspicion against the Confederate Administration will, it is hoped, awaken to consideration and a change of future action. To the Department it would be far more grateful instead of being engaged in reminding of constitutional obligations and repelling unjust imputations, to be co-operating with Your Excellency in a spirit of unity and confidence, in the defence of your State and the overthrow of the invader.

Very respectfully, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

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WAR DEPARTMENT, C. S. A.,

RICHMOND, VA., October 11, 1864.

MAJ-GEN. HOWELL COBB,

Macon, Ga.:

GENERAL: The President has referred to me a telegram from General Beauregard, stating that he had arranged satisfactorily matters between Governor Brown and yourself relating to exempts and State militia, with the request that I will endeavor to learn whether the arrangements are conformable to law and the necessities of the service. In conformity with this discretion, I have



the honor to ask that you will inform the Department of the precise nature of the arrangements made. Some apprehension is felt, in view of Governor Brown's well-known opposition to some of the laws of Congress, as well as to the Administration, lest the obligations of the Constitution and laws, as well as the position taken by the Department, may be compromised by his propositions.

Very respectfully,

JAMES A. SEDDON,

*Secretary of War.*

HDQRS. GEORGIA RESERVES AND

MIL. DIST. OF GEORGIA,

MACON, GA., October 22, 1864.

HON. JAMES A. SEDDON,

*Secretary of War,*

Richmond, Va.:

SIR: Your letter of the 11th instant only reached me by yesterday's mail, and I reply at once. The only arrangement made between General Beauregard and Governor Brown, within my knowledge, places the militia under the general's orders and control, varying in no respect from the manner in which they were formerly under the command of General Hood. At my suggestion the same course was pursued in reference to the detailed men in the militia which I adopted when they were first called out; that is, to allow all who were already in the militia service—that is, in actual service—to remain there

until the expiration of their term of service. I had already issued an order to that effect before General Beauregard came, and this was merely carrying out the policy and rule upon which I have acted from the time of the first call of Governor Brown. As nothing has been done at the suggestion of Governor Brown, I need not say that there need be no apprehension on the part of the President that any concession has been made to improper demands, nor has the position of the Department been in anywise compromised. In order that you may be fully advised on the subject, I beg to place before you a full statement of what I have done and my reasons for it, for I am not only anxious to do what I believe to be best for the country, but I am also desirous of having the approval of those under whose orders I am acting. When Governor Brown made his call for militia, and included in that call exempts and detailed men, I held (such was the opinion of the Department) that exempts were liable to the call, but detailed men were not. Such detailed men as were engaged in the public service were notified that they were not required to respond to that call, and upon the fact of their being thus engaged being made known to Governor Brown he released them from the call, and thereby prevented the issue which would otherwise have arisen between the Confederate and State authorities. In reference to detailed men not thus engaged in the public service, I said to them:

In my opinion you are not legally liable to this call of Governor Brown, but the only court to which a case has been carried has decided otherwise, and in view of the pressing emergency in your own State requiring every man that can be brought into the field for the defense of Atlanta and the rest of the State, you must

either go into the militia or your details will be suspended for the present and you must go into the Confederate service.

My object was to get every man that could be gotten into the field for the then pressing emergency. It worked well; some went into the Confederate service, others went into the militia. The result was that the army at Atlanta was considerably increased, and though Atlanta fell, neither Governor Brown nor any one else could charge upon the Confederate authorities that men had been withheld from the field by them who could and would have been brought out by the Governor. You may rest assured that had I followed a different policy, and attempted to keep out of the service the detailed men, it would have resulted either in actual collision between the Confederate and State officers, or the fall of Atlanta would have been attributed to the withholding these detailed men from the service. Probably both results would have occurred. You rightly suppose that Governor Brown is not only willing, but anxious to bring the Confederate authorities into disrepute with the people of Georgia, and I have no doubt it would have afforded him unalloyed pleasure to have attributed the loss of Atlanta to the withholding by the Confederate authority of detailed men from the service at that critical juncture. These detailed men having thus gone into the militia, in the publication of my orders for the organization of local companies for local defense I expressly announced that they would not be relieved from their militia organization by joining such local companies. My reason was that the local companies could not be carried to the front, and I found that there was a strong disposition to avoid going to the front by joining mere local organizations.

Besides, these men having become a portion of the militia, I held that whilst in the active service the State had a right to hold them. There was another reason. The militia is composed of exempts and details. The first class is beyond the reach of the Confederate law, and if the latter was withdrawn it would so weaken the militia as to make it almost useless; whereas, being kept together I hope to have in active service an effective militia organization, which, being under the absolute control of the Confederate authorities, can be made available for all our purposes of defense.

I submit that everything that has been done has been at our own suggestion and has so far worked well. In compliance with orders from Generals Beauregard and Hood they are now concentrating all the militia, with such troops as I can raise at Griffin, for a demonstration on Atlanta. Everything is working to the one main object of getting into the field every man that can be had; and whilst I have long since lost all respect for Governor Brown, and that feeling is on the daily increase, I am using every effort to have harmonious co-operation in the great work of the defense of the State and country. If the policy which has been pursued is wrong it is my fault, and I hope you will do me the justice to attribute it to a want of better sense, for I assure you it has been prompted by an earnest desire to do what is best for the country. Neither the dignity of the Confederate authorities nor its Constitution and laws shall be intentionally compromised in my hands.

I am, with sentiments of sincere regard, very truly yours, etc.,

HOWELL COBB,  
*Major-General.*

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA.,

November 14, 1864,

HON. JAMES A. SEDDON,

*Secretary of War:*

SIR: Official engagements have prevented earlier attention to your letter of 8th ult., which reached me on the 20th.

You are pleased to characterize a portion of my letter as sacrimonious, and claim that I have transcended the bounds of official propriety and seem to desire me to understand that you labor under difficulties in restraining yourself within bounds of forbearance in your reply. As the acrimony of my letter consisted in a simple narrative of truths, communicated in a plain, straight-forward manner, calling things by their right name, I feel that I am due you no apology. Of course no personal disrespect was intended. I am dealing not with individuals, but with great principles, and with the conduct of an administration of the Government, of which your department is but one branch. And if you will not consider the remark acrimonious, I will add that the people of my State, not being dependent and never intending to be, upon that Government for the privilege of exercising their natural and Constitutional rights, nor the Executive of the State for his official existence, I shall on all occasions feel at liberty to exercise perfect independence in the discharge of my official obligations, with no other restraints than those thrown around me by a sense of duty, and the Constitution of my country, and the laws of my State.

You remark that this is the first instance in the annals of the Confederacy of the suggestion of a doubt on the right of the President to make such a call, and the obligation of compliance by the State Executive. Doubtless you are right, as this is unquestionably the first instance in the annals of either the old or new Confederacy of *such* a call, made by the President. It presents the isolated case of an attempt, by the President, to single out a particular State, and, by grasping into his own hands its whole military strength, to divest it of its last vestige of power to maintain its sovereignty; not only denying to it the right plainly reserved in the Constitution, to keep troops in time of war when actually invaded, but claiming the power to deprive it of its whole militia and leave it not a man to aid in the execution of its laws, or to suppress servile insurrection in its midst.

The President demands that Georgia shall turn over to him, and relinquish her command and control over every militiaman now organized by her Executive, and all he *may be able* to organize. The militia is composed mainly of a class of men and boys, between ages not subject by the laws of Congress or of the State to serve in the Confederate Armies. The President calls for all the State has of the above description. As no *such* requisition was ever before made upon any State, and it probably never entered into the mind of any Statesman that such a call ever would be made, it never became necessary to question the right to make it.

You cite the case of the refusal of the Governors of Massachusetts and Connecticut, during the last war with Great Britain, to furnish troops for the common defence upon the requisition of the President of the United States, and say it must be admitted that my course is

*analogous* to theirs “in all particulars,” and that there was more plausibility in their case than in mine, on the grounds assigned for refusal. Let us test this statement by the standard of truth. You say the cases are analogous “in all particulars.” I deny that they are analogous in any particular. To show the character of that call, I quote the language of President Monroe:

“It will be recollected that when a call was made on the militia of that State, for service in the late war, under an *arrangement* which was *alike applicable to the militia of all the States*, and in conformity with the acts of Congress, the Executive of Massachusetts refused to comply with the call.” That, then, was a call under an arrangement *alike applicable to the militia of all the States*. This is not a call made under an arrangement *alike applicable to the militia of all the States*, or indeed of *any* of the other States. This is a call for all the militia which the Executive of Georgia has organized or *may be able* to organize. No *such call* was made by the President upon the militia of any other State. The analogy fails then at the very first step. But let us trace it a little further. That was a call for men within the age required to do military service in the armies of the United States. This is a call for men who are exempt by act of Congress from all service in the Confederate Armies, and of whom it is expressly declared, by an act of the Legislature of Georgia, that they shall not be “liable to any draft or other compulsory process to *fill any requisition* for troops upon the Governor of the State by the President of the Confederate States.” That was a call which the President could legally make, and which the Governors had lawful authority to fill. This is a call which the President had no lawful right to make, and

which the Governor could not fill without violating a positive statute of his State. That was a call for active militia who were not in service, but were at home attending to their ordinary pursuits. This is a call for reserve militia, who, at the time it was made and were, for months past, had been in actual service—most of the time in the trenches around Atlanta, under the constant fire of the guns of the enemy. In that case, the Governors of Massachusetts and Connecticut refused to place the militia of those States under the command of a Federal General. In this case, the militia had already been placed by the Governor of Georgia under the command of a Confederate General, where they were on the very day the call was made, and had been for some months previous.

In that case, the Governors of those States adjudged that no emergency existed to justify the call for the militia, after the President had decided that it did, and they refused to order them into the field. In this case, the Governor of Georgia admitted that the emergency did exist, and had ordered them in months before the President saw the emergency, and called for the services of the militia. In that case, the President was making an honest effort to get the militia of Massachusetts and Connecticut into service, to aid in repelling any assaults that might be made by the enemy. In this case, the President after the reserve militia of Georgia has been called out by the Governor and put into active service, was using his official influence as shown by General Orders Nos. 63 and 67, issued by his Adjutant-General, to get the militia of Georgia out of service, where they were confronting the enemy and shedding their blood in the defence of their State.



When they were in the trenches under the fire of the enemy, the President held out as a reward for their delinquency in case of their desertion from the State militia and return home, a guaranty of the privilege of remaining there in local companies, to be called out only in emergencies, to defend their own countries and vicinage.

I append to this letter\* paragraph 1, General Orders No. 63, and a paragraph of General Order No. 67, by reference to which it will be seen that *all detailed* men were *required* and *all exempts* from Confederate service invited to enroll themselves in local companies at home, with promise that they should be called out only in emergencies, to defend the counties of their residence and contiguous counties.

The present militia of Georgia are composed of *ex-empts* from Confederate service and such *detailed* men as are not in the military service of the Confederate States. The militia of the State, *then* at the front, was composed of men of these classes only. The order was addressed to *all* men of both classes. The President denied the right of the Governor of Georgia to call out the detailed men for service, and would, if consistent, stand ready to protect them in case they would desert the militia service and return home and join his local companies. Thus the strong temptation of remaining at home was held out by the President to these men, if they would ingloriously abandon Atlanta, when beleaguered by the enemy, and, after desertion from the militia, enlist in Confederate service, which would give the President the entire command of them and enable him to destroy

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\*Not enclosed.

the militia organization of the State. Fortunately the temptation succeeded in inducing but a small portion of the militia to desert and return home. They were generally true men and stood gallantly by their colors, knowing their country needed their services at the front and not in local companies in the rear. General Order No. 63 was issued on the 6th of August and was followed by General Order No. 67 on the 16th of the same month. The President then waited three weeks, and as the militia still remained in the trenches around Atlanta he found it necessary to change his policy and resort to a requisition upon me for the whole militia of the State, as the only means left of accomplishing his objects.

President Madison offered no such inducements to, and made no such requisition upon the militia of Massachusetts and Connecticut. So much for the analogy of the two cases. But you are as unfortunate in your facts as in your analogy, as will be further seen by your statement that the "judicial tribunals determined adversely to the pretensions of the Governors." By reference to the 8th volume Massachusetts Reports, Supplement, page 549, you will find that the Judges of the Supreme Court of that State had the case before them, and determined every point made by Governor Strong in his favor, and "adversely to the pretensions" of the President.

But you remind me, that the 10,000 militia, which you say I had organized, with those I was proceeding to organize, if incorporated with the veteran regiments, prior to the first of May, would have been an invaluable acquisition to the army of Tennessee and not improbably have hurled back the invaders from the threshold of my State. If this were true and the movements and strength of the enemy were so much better understood

by the President than by myself, as you would have the country believe, why was it that the President made no call for the militia in May, when the armies were above Dalton? Why was the call delayed till the 30th of August, two days before Atlanta fell, and then mailed me too late to reach Milledgeville till after the fall? If the control of the whole militia of the State, by the President, was so essential to the defence of Atlanta, how do you account for the neglect of the President to call for them till after the campaign had ended, in the surrender of the city to the enemy?

Seeing that the President did not seem to appreciate the emergency, and the danger of Atlanta, upon consultation with that far-seeing General and distinguished soldier, Joseph E. Johnston, I had ordered the militia to report to him and aid the gallant army of Tennessee. I first ordered out the civil and military officers of the State, when the armies were near Dalton, and afterwards called out the reserved militia, including all between sixteen and fifty-five years of age, when they were at Kennesaw. During all this time and for nearly two months afterwards, no call was made by the President for their services. If the statements you now make are correct, surely such neglect by the President in so critical an emergency, involves little less than criminality.

Again, you state, as one of the inducements to the call, that I had stated in official correspondence, that I had *ten thousand militia* organized—that a portion of these were known to be with the army of Tennessee in some auxiliary relation—only a limited number, however, not believed to constitute half the number reported by me to be actually organized.

You are again incorrect in your facts, and unfor-

tunately ignorant of the strength of the force that was under your command.

In the official correspondence to which I suppose you allude, I did not state that I had organized *ten thousand militia*. The language used, was, "nearly ten thousand armed men." At that time, the two regiments of the State Line, who are regular troops for the war, numbered nearly fifteen hundred. They too, were placed under the Confederate Commander, and nearly five hundred of them, while under his command, have been disabled or lost upon the battle-field. But if I had made the statement as you incorrectly charge, it would have been true.

The tri-monthly report, forwarded by Maj.-Gen. G. W. Smith, who commands the Division of State Militia, to General Hood, dated 10th September, 1864, but a few days after the fall of Atlanta, showed upon the muster-rolls of his Division, nine thousand one hundred and seventy men. This report did not include the regiment of Fulton County Militia, which had been detached for local service in the city, under the command of Brig.-Gen. M. J. Wright of the Confederate army; nor the regiment of Troup County Militia, which was stationed, by the Commanding General, at West Point, under Brig.-Gen. Tyler, of the Confederate Army. Nor did it include the two regiments of the State Line which had been ordered into other Divisions of the Army of Tennessee. Nor did it include the Battalion of Cadets, of the Georgia Military Institute, who did gallant service in the trenches of Atlanta. Nor did it embrace the names of the gallant dead of this Division, who never turned their backs to the enemy, but fell upon the battle-field or died in the hospital. These had rendered the last service in the power of the patriot to their country before the

President saw the necessity which induced him to call for them, and as they slept at the date of his call in the soldier's grave, they were unfortunately unable to respond. But if you say that the whole ten thousand were not in the trenches with muskets in their hands, I reply, that while many were sick and some absent without leave, a larger proportion of the number upon the muster-rolls were there than of probably any other Division in General Hood's army. And judging from the late speech of the President in Macon, a much larger number than the usual average in the armies of the Confederacy.

As I understand your letter, you deny that it was the purpose of the President, to disband or disorganize the militia, and say he intended to take the organization, with all its officers and maintain it. I do not pretend to quote your language, but state what I understand to be the substance. Unfortunately your own record contradicts you. In the requisition made by you, occurs this sentence: "Those within the limits of General Hood's Department, will report to him; those outside, to the Commandant of the Department of South Carolina and Georgia." The line between these Departments cuts in two Gen. Smith's Division, and probably three of the four brigades of which it is composed, and the requisition orders, that part of this Division, and those brigades on one side of it, to report to General Hood, then at Atlanta, and that part on the other side to the Commandant whose headquarters were at Charleston. But this was not all; it amounted to an order in advance, if I responded to the call, to a large proportion of militia then under arms, to leave Atlanta in the very crisis of her fate, and return home and report to General Jones, whose headquarters were at Charleston. This would not only have

permanently divided and disbanded the militia organization, as it existed under the laws of the State, but would have aided the President in carrying out his policy already referred to, of withdrawing the militia from Atlanta before its fall, and compelling armed men, then aiding in its defence, to leave and report to a Commandant upon the coast, where there was no attack anticipated from the enemy. So determined was the President to accomplish both these objects, that he did not pretend to conceal his purpose, but incorporated it into the requisition itself.

Past experience has also shown that the President will surmount all obstacles to secure to himself the appointment of the officers who are to command troops under his control. Soon after the commencement of the war, Georgia tendered to him an excellent brigade of her most gallant sons, fully armed, accoutred and equipped, with two months training in camp of instruction. He refused to accept it as it was, but disbanded it, and refusing to recognize the commanding General (though every officer I believe, in the brigade, from the highest to the lowest, petitioned to have him retained), scattered the regiments into other brigades. The twelve months men entered the service with officers elected by them, and he accepted them with their officers. The Constitution of the Confederate States, as I have heretofore most conclusively shown, and as the Legislature of the State has resolved, as well as the laws of the State, authorize them to elect officers to fill all vacancies that occur. The President has disregarded this right, and claims and exercises the right to appoint all such officers for them. His past course, as well as the plain language of the requisition, shows that you misrepresent the President when you deny that it was his purpose in

making the requisition to disband the militia; and I am satisfied that I do him no injustice, in supposing that it was his intention, after they were disbanded, to appoint his own partisans and favorites to command them.

Reference is made in your letter, to the act of Congress, to show that the President could only hold the militia six months under a call upon the Governor, for their services. You seem to forget that many of those then in service, for whom he called had already served nearly four months. And you seem to suppose that I will be unmindful how easy it would be at the end of six months for the President simply to renew the call for another six months, and continue this to the end of the war, and in this way keep the old men and boys of Georgia constantly in service, to the destruction of her agricultural and other material interests, while no such requirement is made of any other State. But if this were not possible by these repeated calls, what guaranty have they under the act of Congress and the promise of the President, that they would be disbanded at the end of six months? The original twelve months men entered the service under the like protection, as they supposed of an act of Congress, and a solemn contract with the President that they should be discharged at the end of their time. But before the time expired the President procured another act of Congress, which changed the law on that subject, and he then refused to be bound by his contract, and those of them who survive are yet in service near the end of the fourth year. Even the furloughs promised them were not allowed. And ministers of religion who made a contract with the government to serve for one year, and others, who agreed to serve three years in the ranks are held after the expira-

tion of their time, when they would be embraced in the exemption act, which protects those at home, if the Government had kept its faith and discharged them according to the contract.

In this connection I must also notice your remarks in reference to the six months' men of last fall, in this State, and as every material statement you now make upon that subject is contradicted by the records of your Department—made up over your own signature, the task is an unpleasant one.

You say, "it had been designed to raise troops for special defence and local service FOR THE WAR with the obligation of service as the *general rule throughout the State*, to constitute a part of the provisional army, and to be subject to the call of the President when needed." If this statement means anything, it is intended to mean that the call was made on me for troops to serve *for the war*, with obligations as the *general rule*, to do service *throughout the State*. That is what you now say. What did you then say? I quote from your requisition of 6th June, 1863.

"The President has therefore determined to make a requisition on the Governors of the several States, to furnish by an appointed time, for service within the State, and for the *limited period of six months*, a number of men," etc. Again, in the same requisition you say, "I am instructed by the President, in his name, to make on you a requisition for eight thousand men, to be furnished by your State, for the period of SIX MONTHS from the *first day of August next*, unless in the intermediate time, a volunteer force organized under the law for *local defence and special service*, of at least an equal number,



be mustered and reported as subject to his call for service, within your State.

This does not look much as if the call was made for troops FOR THE WAR: Was it for troops to serve as *the general rule throughout the State?* I quote from the same document. You say, "it becomes essential, that the reserves of our population, capable of bearing arms, etc., be relied on for employment in the *local defense of important cities*, and in repelling, *in emergencies* the *sudden or transient incursions* of the enemy." Again, "local organizations or enlistments by volunteering for *limited periods* and *special purposes*, if they can be induced, would afford more assurance of prompt and efficient action." You then refer to the two acts of Congress for local defence and special service, and enclose copies of them and call my attention to them. And you proceed to say, "under the former of these, if organizations could be effected, with the *limitations prescribed in their muster-rolls*, of service *only at home* or at *specified points* of importance within the particular State, they would be admirably adapted to obtain the desired end." In speaking of the inducements to be held out to those who will form volunteer companies under the act of Congress you speak of them as "organizations for *special service* within the State, under officers of their own selection, and with the privilege of *remaining at home*, in the pursuit of their *ordinary avocations*, unless when called for a *temporary exigency* to active duty." In reference to the service to be performed by these organizations, you then use this language:

"Without the general disturbance of a call on the militia, the organizations *nearest to the points* of attack, would always be readily summoned to *meet the emer-*

gency, and the population *resident in cities and their vicinities* would, without serious interruption to their *business or domestic engagements*, stand organized and prepared to man their entrenchments and defend, under the most animating incitements, their property and homes."

You remark again, "After the most active and least needed portion of the reserves were embodied under the former law, the latter would allow *smaller organizations with more limited range* of service, for objects of police and the pressing contingencies of *neighborhood* defense. Could these laws be generally acted on, it is believed, as full organizations of the reserve population would be secured for *casual needs*, as would be practicable."

There is not a word in any of this, about service as the *general rule throughout the State*. But every expression looks to *local and limited* services in sudden emergencies, such as the sudden incursions of the enemy, and to the defence of their own homes, and the entrenchments around them, by those who live in cities, "to neighborhood defense," "casual raids," etc., with the clear promise to all, that so soon as such emergency had passed, they should be permitted to return home and attend to their "ordinary avocations," their "business or domestic engagements," etc. The troops recollect how this promise was kept.

But you charge that I had formed nondescript organizations not conforming to the regulations of the Provisional Army, scant in men and abounding in officers, with every variety of obligation for local service, generally of the most restricted character, and for the *brief period* of only *six months*.

Each organization formed by me was in conformity to the statutes, copies of which you enclosed as the guide for my action, and for the exact time designated in your requisition over your own signature. Each had the number of men specified in the statutes, and no one of them had a supernumerary officer, with my consent, or so far as I know or believe. The requisition expressly authorized me to accept troops for local defence, of the most restricted character, with "the limitations prescribed in their muster rolls, of service *only at home* or at *specified points* of importance." But while you expressly authorized this I refused to do it, except in case of companies of mechanics and other workmen in cities—the operatives in factories, and the employees of railroads, etc., when the nature of their avocations made it actually necessary. In all other cases I refused to accept the companies when tendered, if their *muster-rolls* did not cover and bind them to defend, at least one-fourth of the whole territory of the State. Many of them covered the whole territory of the State with the conditions of their muster-rolls. Some complaints were made at my course, because I required more than was required by either the acts of Congress, or the requisition of the Secretary of War.

Another charge is, that when called out "scarce a decent division of four thousand men could be mustered for the field, and then *only for six months*." Your obliviousness of facts, as well as of records, is indeed remarkable. Only those whose *muster-rolls* embraced Atlanta and the territory between it and the Tennessee line were called out till near the end of the period for which all were enlisted, and you got a division of many more than four thousand within that boundary.

The others, over twelve thousand, were at home, engaged in their "ordinary avocations," ready to respond to your call in case of an "emergency," or "sudden incursion of the enemy." But you never called for any of them till a short time before the end of the term of their enlistment. Those you then called out you never even armed and it was believed by them that they were only assembled for the convenience of the conscript officers, to save them the trouble of searching through the country to see if any among them were subject to conscription. Nobody pretended that there was any "emergency," or "sudden incursion of the enemy" at the time of the last call, in the sections of the State they had agreed to defend. I have gone thus fully into this record for the purpose of showing the palpable injustice which you attempt to do me, and of exposing the flimsy pretext under which you seek to defend the bad faith which was exercised by the Government towards the gallant men who by their prompt response, more than doubly filled your requisition in its letter and spirit.

As a last means of escape you say I persistently claimed that they should be held and regarded as militia. "In that case they could not, if dismissed, be recalled on emergency as local troops, and this naturally induced their detention for the full period of their limited term of service." I should have been greatly obliged if you had given a reason why militia, mustered into service for the period of *six months*, with the express promise that they should be permitted to remain at home in the pursuit of their "ordinary avocations," except in "emergencies" or to meet "sudden and transient incursions of the enemy," could not receive furloughs and return home between "emergencies" or "sudden and transient

incursions of the enemy," and reassemble on the recurrence of the emergency. Why could not the same men, living in the same district, united for the same purpose, to defend the same territory against "sudden and transient incursions of the enemy," have received furloughs to return home and attend to the pursuit of their "ordinary avocations," if called militia and commanded by officers appointed as the Constitution provides, by the States, as well as if called local companies, and commanded by officers appointed by the President? What strange magic is there about the President's commission which would enable men, organized for service under officers holding it, to receive furloughs when not needed for service, which the same men, organized for the same service, could not get if their officers received their commissions in the constitutional mode from the State? If the same companies, composed of the same officers and men, may be temporarily dismissed when not needed for the service they have engaged to render, when called by the name "local companies," why may not this be done when they are called by the name militia?

As no reason can exist for the distinction you attempt to draw as a justification of the President's conduct, none was assigned by you. It is simply absurd to say, that the militia cannot be furloughed and sent home when not needed, to be re-called when needed. But for the interruption of our militia organization, which grew out of the Conscript Act of February last, instead of ten thousand, I could have sent nearer thirty thousand to Atlanta to aid in its defense.

The Legislature, unfortunately for Georgia, turned over to the President's control, that part of the organized militia within the ages specified in the act of Congress,

and when the hour of peril came, out of all the large number embraced in the act of Congress, and turned over to his control by the resolution of the Legislature, he had not a single one at the front with a musket in his hands, to aid in the defense of the State. Of all the Confederate reserves, to which the State was told she might safely look for defense, not a man with a musket in his hands was at the front during the whole march of the Federal army from Dalton till its triumphant entrance into Atlanta. And if action has been delayed until the President called as shown by the date of his call, not a man of all the reserve militia of the State would have been there. The Confederate reserves organized were not sufficiently numerous to guard the unarmed Federal prisoners in the State, and I had to furnish, when their services were much needed at the front, a battalion of militia to aid them.

The interruption by the State authorities, to which you refer is entirely imaginary. After the decision of the Legislature, your officers were left perfectly free to execute the law of Congress in all its rigor. But if it were real, surely the President, with the aid of his large force of officers in this State, should have been able to get somebody to the front. A single man with a good musket might have rendered some assistance. Or if this, by reason of inefficiency, could not be done, if he had ordered his corps of conscript officers there as I ordered the State officers, they were sufficiently numerous to have done essential service. For even this favor, at that critical period, the people of Georgia would have been under great obligations to him.

I must not forget another ground of the call, as you term it, which was that some of these troops (the ten

thousand organized militia) had been detailed for objects not admitted by enrolling officers in the State to be authorized by Confederate law, and others were claimed as primarily liable, or previously subject to Confederate service. This, you say, had "engendered controversy," which it was most desirable to "anticipate and preclude." As Confederate enrolling officers had denied the right of the State to make details, and had claimed certain men whom the Governor held as part of the militia of the State, and as the Governor did not at once yield to the pretensions of those Confederate officers, but was disposed to contend for the rights of the State, the President, unwilling to allow the controversy, determined to relieve the State of her *whole* militia, by making requisition for it, and taking it *all* into his own hands, which would "anticipate and preclude" any further controversy; as the State, having no militia left, need have no further controversy about her right to any particular individuals as part of it.

This new discovery of the President of the mode of settling a controverted right, and the magnanimity and statesmanship displayed by him in this affair, cannot be too highly appreciated. By imitating his example in future the stronger party can always make a speedy settlement with the weaker, without allowing any unpleasant controversy about rights.

Your assertion, that my past action and public expressions have given encouragement to our enemies, to the mortification of many patriotic citizens of the Confederacy, may be properly disposed of by the single remark, that if we may judge of the encouragement of our enemies by the general expression of their public journals, the President gave them more delight, hope and en-

couragement, by his single speech at Macon, than all the past acts and public expressions of my life could have done, had I labored constantly to aid and encourage them. He who can satisfy the enemy that two-thirds of the men who compose our gallant armies are absent from their posts, affords them delight and encouragement indeed, as they will no longer doubt, if this be true, that the spirit of our people is broken, and that our brave defenders can no longer be relied on to sustain our cause in the field. All remember the mortification which this speech of the President caused to the patriotic citizens of the Confederacy. If it had been true, surely it should not have been publicly proclaimed by the President. But I am satisfied it was not true, and that, in making the statement, the President did grievous injustice to the brave men who compose our gallant, self-sacrificing armies.

It has also been agreeable to you to speak of my *action* as springing from a spirit of opposition to the *Confederate Government*, and animosity to the Chief Magistrate. I have but a word of reply to this unjust and ungenerous attack. Some men are able to distinguish between opposition to a government and unwillingness blindly to endorse all the errors of an administration, or to discriminate between loyalty to a cause and loyalty to their master. My loyalty is only due to my country; you can bestow yours where your *interests* or inclinations may prompt.

I do not consider that the point you attempt to make about the pay and subsistence of the militia, while under the Confederate General commanding the Department, has in it even a show of plausibility. They were accepted by him for the time as an organization, and, while



under his control, he has the absolute command of them, and the Governor of the State does not exercise the slightest control over them. What possible pretext for saying that he may not order this division subsisted and paid as well as any other division under his command? There is just as much reason for saying that a division of Georgians under Gen. Lee should not be subsisted and paid by the Confederacy, while under his command, as there is that this division under Gen. Hood should not be subsisted and paid while he commanded them. The truth at the bottom of all this is so visible, that it can not be concealed even by an attempt to muddy the water.

I find the statement emphasized by you, that the Constitution of the Confederate States does not *confer* on the States the power to keep troops in time of war. As the States were sovereign and possessed all power when they made the Constitution which gave life to the Confederate Government, neither that Government nor the Constitution could *confer* any power on the States. They *retained* all that they did not *confer* upon it. But admit your statement and what follows? You were obliged to admit in the next sentence, that the States did *reserve* that power. Having reserved it, they are certainly authorized to *exercise* it. As you admit, they not only reserved the power, but the reservation naturally includes whatever is necessary to accomplish the object of it. But you then attempt to explain it away, by denying that the reservation means anything, and, in effect, contend that the Confederate Government may take from the State the last one of the troops which she has reserved the power to keep, without violating the reserved rights of the State. In other words, the State

has plainly reserved the right to keep troops in time of war, when actually invaded. But this right, you, in effect say, is subordinate to the will of the President, who may take the last one of them from her whenever he chooses to do so.

According to your mode of reasoning, if a State or an individual delegates certain powers to an agent, and reserves certain other powers, the reserved powers are limited by, and subordinate to the delegated powers, and may be entirely destroyed by them when, in the opinion of the agent, this is necessary to enable him to execute, to their fullest extent, the delegated powers. In other words, the reserved powers are to be construed *strictly*, and the delegated powers liberally, and the reserved are to yield to the delegated whenever there is apparent conflict. I confess I had not understood this to be the doctrine of the State Rights or Jeffersonian School. I had been taught that the delegated powers are to be construed strictly, and in case of a delegation of powers with certain reservations, that the delegated powers are limited and controlled by the reserved powers. This well established rule is repudiated by you, when it conflicts with the purposes of the Confederate Administration, and you claim that the power reserved by the States to *keep* troops in time of war, when actually invaded, simply means that they may keep them till the Confederate Executive chooses to call for and take the last one of them out of their control.

To justify all this, you are driven to the usual plea of necessity. You say it was necessary that the whole militia of Georgia should be in Confederate service, and subject not to my judgment or disposal, but to the control of the Constitutional Commander-in-Chief.

I deny that the President is, or ever can be, without the consent of the State, the Constitutional Commander-in-Chief of the *whole* militia of the State. When we take the whole context together, the Constitution is plain upon this point. He is declared to be the Commander-in-Chief of the Army and Navy of the Confederate States, and of the militia of the several States, *when called into the actual service* of the Confederate States.

Congress has power to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections and repel invasions.

Congress has power to provide for organizing, arming and disciplining the militia, and for governing *such part* of them as may be employed in the service of the Confederate States. Then comes the qualification. The States reserve the right to keep troops in time of war, when actually invaded. If she is not invaded, under provision made by Congress, they may be called forth, if the emergency requires it. If she is invaded, she may *keep* such part of them as she thinks proper, under her reserved right, and they can not be taken without her consent. The whole case is in a nutshell. Congress may provide for calling forth the militia, and for governing *such part* of them as are employed in the service of the Confederate States. The President is, for the time, Commander-in-Chief of all who are so *employed*. And all may be so *employed*, except such as the State determines to *keep*, by virtue of her reserved right in time of war, when actually invaded. These Congress has no right to call forth, and no right to provide for governing; and of these the President is not the Constitutional Commander-in-Chief, but the Governor of the State is, so long as the State *keeps* them, and she has an unquestion-

able right to keep them as long as the invasion of her territory lasts.

This I understand to be the Constitutional right of the State of Georgia. By this, as her Executive, I stand, and regard with perfect indifference all assaults upon either my loyalty or motives by those who deny this right, or seek to wrest it from her, to increase their own power or gratify their own ambition.

A word as to the use I shall make of this militia, and of all the troops at the command of the State. No sentence in my former letter is an "inconsiderate utterance." No word in it justifies the construction, that I will array my State in "armed antagonism against the Confederacy." On the contrary, I will use the troops to support and maintain all the just rights and Constitutional powers of the Confederacy, to the fullest extent. No State is truer to the *Confederacy* than Georgia; and none will make greater sacrifices to maintain its rights, its just powers and its independence. The sacrifices of her people at home, and the blood of her sons upon the battlefield have abundantly established this truth. But while I will employ all the force at my command to maintain all the Constitutional rights of the Confederacy and of my State, I shall not hesitate to use the same force to protect the same rights against external assaults and internal usurpations. Those who imagine themselves to be the Confederacy and consider only loyalty to themselves as loyalty to it, and who recognize in neither the people nor the States any rights which conflict with their purposes or future designs, doubtless see in this the "foreshadowing of a guilty purpose." It is, to say the least of it, a fixed purpose.

It is not only my right, but my duty, to uphold the

Constitutional rights and liberties of the people of Georgia, by force, if necessary, against usurpations and abuses of power by the Central Government. The militia is, under the Constitution, one of the proper instrumentalities for that purpose. There is scarcely a single provision in the Constitution, for the protection of life, liberty or property in Georgia, that has not been and is not now constantly violated by the Confederate Government, through its officers and agents.

It has been but a short time since one of the stores of the State of Georgia, containing property, in the peaceable possession of the State, was forcibly entered by a Confederate officer, and the property taken therefrom by force. I had no militia present at the time to repel this invasion of the rights of the sovereign State, but should have had them there soon if the property had not been restored.

A single Confederate Provost Marshal, in Georgia, admits that thirty citizens and soldiers have been shot by his guard, without his right to shoot citizens being questioned till within the last few days, when he was greatly enraged that a true bill for murder should have been found by a grand jury against one of them for shooting down a citizen in the streets, who offended him by questioning his authority over him. Every citizen in the State, both man and woman is arrested in the cars, streets and highways, who presumes to travel without a pass. They are arrested without law, and imprisoned at pleasure of Government officials. The houses, lands and effects of the people of Georgia are daily seized and appropriated to the use of the Government or its agents, without the shadow of law, without just compensation, and in defiance of the decision of the Supreme Judicial

Tribune of the State; and her officers of justice are openly resisted by the officers of the Confederate States. The property of the families of soldiers, now under arms to sustain the Confederacy, is forcibly taken from them without hesitation, and appropriated in many cases without compensation.

In this state of things, the militia are necessary to uphold the civil tribunals of the State, and will be used for that purpose whenever the proper call is made by the proper authorities.

No military authority, State or Confederate, can be lawfully used for any other purpose than to uphold the civil authorities, and so much of it as the Constitution of my country has confided to my hands shall be used for that purpose, whether civil society, its constitution and laws shall be invaded from without or from within. Measured by your standard, this is doubtless disloyalty. Tested by mine, it is a high duty to my country.

Respectfully, etc.,

JOSEPH E. BROWN.

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JONESBORO, GA., November 14, 1864.

GOVERNOR JOSEPH E. BROWN,

Milledgeville, Ga.:

Sherman, with Fifteenth and Twentieth Corps and Kilpatrick's cavalry, is in Atlanta. Prisoners and citizens say camp rumors are that they will march to Au-

gusta and Savannah. Scouts and prisoners report Sherman destroying railroad from Atlanta to Allatoona.

J. WHEELER.

*Major-General.*

(Same to General Bragg, Richmond; Lieutenant-General Hardee, Charleston; Lieutenant-General Taylor, Selma; Major-General Cobb, Macon; Maj.-Gen. G. W. Smith, Lovejoy's; General J. B. Hood, Tuscumbia. and Col. M. H. Wright, Columbus.)

NEAR JONESBORO,

November 15, 1864—2:30 p. m.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

Enemy advanced with infantry, cavalry, and wagons early this morning. Have driven our cavalry back to this place. Strength not yet ascertained. Enemy have burned many houses in Rome, Marietta, and Atlanta; also destroyed railroad and burned bridge over Chattahoochee.

J. WHEELER,

*Major-General.*

(Same to General Braxton Bragg, Richmond; Lieutenant-General Hardee, Charleston; Lieut. Gen. R. Taylor, Selma; Maj. Gen. G. W. Smith, Lovejoy's; General J. B. Hood, Tuscumbia; General G. T. Beauregard, Tuscumbia, and Col. M. H. Wright, Columbus.)

TUSCUMBIA, ALA., November 16, 1864.

LIEUT.-GEN. R. TAYLOR,

Selma, Ala.:

Reports of General Wheeler indicate that Sherman is about to move with three corps from Atlanta to Augusta or Macon. In that event you will repair to point threatened with the available forces you can spare from your department and assume command of all troops in Georgia operating against Sherman. You will cut and block up all dirt roads in advance of him, remove or destroy supplies of all kinds in his front. Wheeler's cavalry will harass his flanks and rear. You will call on Governors Brown and Bonham and General Hardee for assistance. I will join you should it become necessary. When you leave your department turn over the command to General Gardner.

G. T. BEAUREGARD,

*General.*

(Dispatches similar to the above sent to Col. G. W. Rains, Augusta, Ga.; *Governor J. E. Brown, Milledgeville, Ga.*; Governor M. L. Bonham, Columbia, S. C.; and General Hardee, Charleston, S. C. Dispatch on same subject to Maj.-Gen. Howell Cobb, Macon, Ga., or wherever he may be.)



TUSCUMBIA, November 17, 1864.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

General R. Taylor has been ordered to take command forthwith of all Confederate troops in Georgia in the limits of Hood's department operating against Sherman.

G. T. BEAUREGARD,

(Same to General Cooper, at Richmond.) *General.*

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LOVEJOY'S, [November] 16, 1864—11 a. m.

(Via Barnesville.)

GOVERNOR BROWN,

Scouts from enemy's rear report that Sherman left Atlanta yesterday morning with Fifteenth, Seventeenth and Twentieth Corps in two columns—one on Jonesborough, and one on McDonough road cavalry on his flanks. Many houses been burned in Rome, Marietta, and Atlanta, and railroad bridge over Chattahoochee destroyed by the enemy. Enemy advancing this morning.

JOS. WHEELER,

*Major-General.*

(Same to Generals Beauregard, Cobb, Hardee, Hood, Smith, Taylor and Bragg.)

GRIFFIN, November 16, 1864—4 p. m.

(Received Richmond 1:10 p. m. 17th.)

GOVERNOR BROWN,

Enemy checked this evening near Bear Creek. Enemy evidently marching to Macon.

JOS. WHEELER,

*Major-General.*

(Same to Generals Beauregard, Cobb, Hardee, Hood, Smith, Taylor, and Bragg.)

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NEAR JONESBORO, GA.,

November 16, 1864—Daylight.

GOVERNOR JOSEPH E. BROWN,

Milledgeville:

Fifteenth, Seventeenth, and Twentieth Corps, with Kilpatrick's cavalry, left Atlanta yesterday morning in two columns—one on Jonesborough, and the other on McDonald road. Fourteenth Corps has reached Atlanta, giving Sherman four corps, fully 60,000 men.

JOS. WHEELER,

*Major-General.*

(Same to General G. T. Beauregard, Tuscumbia; General Braxton Bragg, Richmond; Lieut. Gen. Hardee, Charleston; General J. B. Hood, Tuscumbia; Lieut.-Gen.

R. Taylor, Selma; Major-General Cobb, Macon; Maj.-Gen. G. W. Smith, Forsyth; Col. M. H. Wright, Columbus.)

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MACON, Thursday Morning, Nov. 17, 1864.

[GOVERNOR J. E. BROWN:]

DEAR GOVERNOR: Things are very bad here. Sherman in person is leading, say, 30,000 men against us. We are retreating as rapidly as possible, consistent with good order and efficiency. The militia are retreating in admirable order and good discipline, as General Cobb reports. I will meet them between this and Forsyth this evening. I believe the Legislature will grant you large and liberal powers. Tell them the country is in danger. Let all of her sons come to her rescue.

Yours, faithfully,

R. TOOMBS.

P. S.—We have called for the troops in Wilmington, Charleston, and Savannah. If we do defend here they will be on us by Monday. Cavalry force said to be below 6,000. Send all the troops you can. If we do not get help we must abandon this place.

Yours,

R. TOOMBS.

NEAR GRIFFIN, GA.,

November 17, 1864—11 a. m.

GOVERNOR J. E. BROWN,

Milledgeville:

Enemy are turning their columns on shortest road to Macon. Scouts from enemy's rear report Fourteenth Corps moving up to join Sherman.

JOS. WHEELER,

*Major-General.*

(Same to General Howell Cobb, Macon; Lieut.-General Hardee, Charleston, and General R. Taylor, Selma.)

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GRIFFIN, November 17, 1864—12 m.

GOVERNOR J. E. BROWN,

Milledgeville:

Scouts from enemy's rear report that Fourteenth Corps crossed the Chattahoochee on 15th on way to join Sherman, giving him four corps.

JOS. WHEELER,

*Major-General.*

(Same to General Braxton Bragg, Richmond; Lieut. Gen. W. J. Hardee, Charleston; General John B. Hood, Tuscumbia; Lieut.-Gen. R. Taylor, Selma, and General Howell Cobb, Macon.)

MILLEDGEVILLE, November 18, 1864.

PRESIDENT DAVIS:

A heavy force of the enemy is advancing on Macon, laying waste the country and burning the towns. We have not sufficient force. I hope you will send us troops as re-enforcements till the exigency is passed.

JOS. E. BROWN.

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WAR DEPARTMENT, C. S. A.,  
RICHMOND, VA., November 21, 1864.

GOVERNOR JOSEPH E. BROWN,

(Care of General Fry, Augusta, Ga.)

Your telegram to the President has been referred to the Department for answer. The movements of the enemy in Georgia are viewed with interest and concern. Whatever re-enforcements of men and means the Department can command from its limited resources, in consistency with general safety, will be afforded.

J. A. SEDDON,

*Secretary of War*

AUGUSTA, GA., November 24, 1864.

His Excellency JOSEPH E. BROWN,

Macon, Ga.:

GOVERNOR: Finding that you had been cut off from communication with the eastern portion of the State, upon consultation with the leading citizens and jurists here I determined to use the authority of assuming command of all the militia east of the Oconee, as President of the Senate, and have changed so much of your order as required all the militia to report to General G. W. Smith, and have ordered all east of Oconee River to report to me at this place. I also received a telegram from General Wayne, then at Gordon, asking me to adopt this course, as he was cut off from you. I have established a camp here and am organizing them as they come in. As yet very few have reported. Inclosed I send you a copy of my published order.\* I am very anxious to have you here to take command, and have only temporarily interfered to aid you in your effort to save the State. I think we will be able to hold this place. We have considerable force already here, and General Bragg is on his way with re-enforcements. I have a dispatch from General Wayne this morning. He is at Oconee, and was fighting Kilpatrick all day yesterday. We still hold the Oconee bridge. As soon as I can get a considerable body of militia organized I will communicate with you and take such action as you direct. Please let me hear from you, and say whether you approve my course. The State stores and powder which were sent

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\*Not found.

to this place have been sent on to a place of greater security.

I have the honor to be, respectfully, etc.,

A. R. WRIGHT.

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MONTGOMERY, ALA., December 2, 1864.

GOVERNOR JOSEPH E. BROWN,

Macon, Ga.:

It is important to put in running order the railroad from West Point, via Atlanta, to Augusta. Cannot you impress or otherwise obtain 900 negroes, to report to Major Hottle, assistant quartermaster, who has charge of the work? Prompt action is necessary.

G. T. BEAUREGARD.

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EXECUTIVE DEPARTMENT,

MACON, GA., December 3, 1864.

HON. A. R. WRIGHT,

*President of the Senate of the State of Georgia,*

Augusta:

On my return from a trip to Southwestern Georgia I find your letter of the 24th ultimo. As the communication between this place and Augusta had not been destroyed, but the line only lengthened by way of Thom-

asville and Savannah, which was kept open, and in daily use, as shown by your proclamation of the 1st of November, and your order of the 22d, which both referred to my proclamation, dated the 19th ultimo, which was published in the Macon paper on the same day, showing that my proclamation and orders published in this city were received in Augusta the second day after they were issued, I cannot admit that the contingency contemplated in the Constitution had happened, which authorized the President of the Senate to assume and exercise the functions of Governor. My proclamation published in this city on the 19th of November directed the militia to report to Major-General Smith. Yours dated at Augusta the 21st declared part of mine revoked, and ordered all east of the Oconee who had not reported to Major-General Wayne, to report at Augusta. This looked more like disapprobation of my orders than want of knowledge of what they were, of the means of communicating with my headquarters. My subsequent orders of the 25th of November, which changed that part of my proclamation which requires all to report to Major-General Smith, and establish four camps of organization, were issued after consultation with General Beauregard, Lieutenant-General Taylor, and Major-General Cobb, who were all present at the consultation in this city. These orders were published with the full sanction and approval of General Beauregard, who expressed the opinion that they provided for the best disposition of the militia that could under the circumstances be made for the defense of the State against the common enemy, and against straggling bands of robbers scattered over a large part of her territory, plundering and stealing, and doing more injury to defenseless citizens than any



like number of the enemy. As your orders conflict with both my proclamation and my orders issued with the sanction above referred to, I cannot approve them. That portion of the militia able to endure the hardships of the camp in front of the enemy are to be sent forward from the camps of organization established by orders to Major-General Smith as fast as possible. Those not able to endure the hard service are to be used for the protection of property against robber bands till further direction from General Beauregard. You may send forward to Maj.-General Smith all you have organized who are able to do field service, and discontinue the camp at Augusta. I will be much obliged if you will report the muster-rolls of those you have organized to these headquarters.

I am, sir, very respectfully,

Your obedient servant,

JOSEPH E. BROWN.

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CONFEDERATE STATES OF AMERICA,

WAR DEPARTMENT,

RICHMOND, VA., December 13, 1864.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia,*

Macon, Ga.:

SIR: Your letter of the 14th ult. has been received. In accordance with the rule I have prescribed to myself

in my correspondence with you, I shall avoid all notice of the observations in your letter which do not in my opinion form matter proper for official communication; and therefore much of your letter will have no response.

An Act of Congress of the 28th of February, 1861, provided: "That to enable the Government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defense, the President be, and he is hereby authorized and directed to assume control of all military operations in every State, having reference to or connection with questions between said States, or any of them, and powers foreign to them." On the 6th of March of the same year they empowered the President "to employ the militia, military and naval forces of the Confederate States to repel invasion, maintain the rightful possession of the Confederate States in every portion of the territory belonging to each State, and to secure the public tranquility and independence against threatened invasion." These Acts of Congress do not exceed the competency of that body under the Constitution. They confer plenary powers upon the President to employ all the military power of the Confederate States to meet the extraordinary emergencies that might arise, and which were then foreshadowed. You do not deny the existence of the emergency anticipated and provided for by Congress. You simply contend that you should employ the militia instead of the President. That you should conduct *some* military operations, rather than the President, and that Congress judged unwisely in confiding power to him rather than to yourself. In my judgment these Acts of Congress bind you, both as a citizen and as an officer, and you owe prompt, cordial and unhesitating obedience to them.

In stating the parallel case of the refractory Governors of Massachusetts and Connecticut in the war with Great Britain, during the administration of Mr. Madison, I was aware that the former had the support of the opinion of the Judges of that State, as contained in a letter addressed to him, and as cited by you. They had also the support of their State Legislatures, and of the resolves of the Hartford Convention, composed of delegates from those and other States. The authority of these different public officers and agencies support your Excellency; but the judicial opinions of the Supreme Court of New York and of the Supreme Court of the United States, as rendered in the line of their duty in cases before them, and the general sentiment of the people, and the uniform action of the authorities of loyal States, afford no such support.

Maj.-Gen. Cobb informs the Department that he has made a satisfactory adjustment of this difficulty, and I dismiss the subject without further remark.

In the summer of 1863, it became apparent that unless the population of the different States who were not embraced in the Acts of Congress of the 16th April and 27th September, 1862, providing for the public defence, usually termed Conscription Acts, were organized for service, that the country would be exposed to frequent and injurious incursions from the enemy, by which it would be devastated before the means of defence could be carried to the place of invasion. A proposal for the organizations was prepared and communicated to the Governors of all the States. This plan was to organize all the non-conscript population in companies under the Acts of Congress to provide for the local defence or special service. These Acts provide only for voluntary

enlistments, and an alternative, or rather an auxiliary proposition, was presented to facilitate the accomplishment of this leading and prominent object.

I addressed you on the 6th of June, 1863, a letter on the subject, a telegram on the 12th, and a second letter on the 19th of the same month. The General Orders of the Department, embodying its views as to the nature of these volunteer organizations, and disclosing the details of the measure, were published by the Adjutant and Inspector-General, the 22d June, 1863. These orders required that these companies should be formed for service during the war; that they were not to be called into service except in cases of emergency; that they were not to be employed beyond the limits of the State; that when the emergency terminated they were to be dismissed to their homes; that service in those companies would excuse from service as militia; that those companies were preferred to militia organizations; that they were to be armed by the Confederate States as far as necessary, and were to be paid by them while in service. A copy of this order is enclosed.

These views were disclosed in letters I have before referred to. The extracts you have made from them to defend your conduct, do not represent the views of the Department fairly.

In my letter of 6th of June, I state the necessity for organization of the non-conscript population; the many and grave objections to the use of the militia; the superiority of the system of defence proposed by voluntary organizations for home defence, and the motives that might be addressed to the people to adopt that mode of defence. I state in that letter that "for this (the organi-

zation) the legislation of Congress has made a full provision by two laws—one entitled ‘An Act to provide for local defense and special service,’ approved August 21, 1861, the other entitled ‘An Act to authorize the formation of volunteer companies for local defense,’ approved October 13, 1862, to which your attention is invited, and of which, as they are brief, copies are appended.\*

“Under the former of these, if organizations could be effected with the limitations presented in the muster-rolls of service only at home, or at specified points of importance within the particular State, they would be admirably adapted to obtain the desired ends of calling out those less qualified for the service; of employing them only when and so long as they might be needed; of having them animated with *esprit de corps*, reliant on each other and their selected officers, and of thus securing the largest measure of activity and efficiency, perhaps, attainable from other than permanent soldiers. After the most active and least needed portion of the reserves were embodied under the former law, the latter would allow small organizations with more limited range of service, for objects of police and pressing contingencies of neighborhood defence. Could these laws be generally acted on, it is believed as full organizations of the reserve population would be secured for casual needs as would be practicable.”

I closed that letter by saying: “I am instructed by the President in his name to make on you a requisition for five thousand men, to be furnished by your State for service therein, unless in the intermediate time a volunteer force, organized under the law for local defence and

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\*See Enclosures, Seddon to Brown, June 6, 1863.

special service of *at least an equal number* be mustered and reported as subject to his call *for service within your State.*”

In my telegram of the 12th, I say: “Your assurance of co-operation is gratifying. Organizations under the law of the Provisional Congress are preferred, because of their *longer term of duration* and greater adaptation for ready call on temporary service and then for dismissal to their ordinary pursuits.”

In my letter of the 19th of June, I repeated the arguments in favor of organizations for local defence in preference “to militia organizations or organizations on a basis similar to the militia for a limited period of service.” I stated to you that “I did not suppose there would be such difficulties, delays or confusion as you anticipated; that the process of forming the organizations is very simple and familiar to your people as having been generally adopted in volunteering for the Provisional Army. There will be no occasion to send on to the Department here anything but the muster-rolls, which, *under the regulations* to be issued may be verified by a Judge, justice or colonel of militia. I think, with deference to your opinion, the whole matter of prompt and easy accomplishment.”

The regulations referred to were published on the 22d of June, 1863. They declare their object to be to afford “instructions as to the method by which such organizations may be made, and the privileges they may claim;” and with these regulations, the Act of Congress of August 21st, 1861, was published, which authorized the President to accept the services of volunteers of such kind and in such proportion as he may deem expedient

to serve for such time as he may prescribe, for the defence of exposed places or localities, or such special service as he may deem expedient.

The general features of these regulations I have already stated. They define with exactness the conditions as to time of enlistment, the place of service, the duration of their special and particular service upon the Presidential call. These were the organizations that you were expected to form, and you seem to have entirely overlooked or forgotten the duty that you undertook to fulfill.

It is not pretended by you that you carried into effect this plan for the organization of the State reserves, and that your promised co-operation was unproductive of the results anticipated from it. You followed the suggestions of your own mind, and did not act, and so far as this Department knows, did not attempt to act, conformably to the views presented to you.

I made no complaint of your failure to do this, nor was the failure made the subject of any observation, until you assumed the ground of being the injured party, from which you railed at the President and the Department, as wanting in faith to you while the fact was, if there was any want of faith or breach of duty, you alone were the guilty party. I recur to the subject now simply to correct the misrepresentation of the conduct of the Department by your garbled extracts from its correspondence—extracts which do not exhibit fairly the subject under consideration. I abstain now from imputing your conduct to bad faith to the Department, in repelling the wanton and reckless assault upon the integrity of the administration of this Department.

Your remarks about the patriotism and services of

the people of Georgia will have no contradiction from me. I fully appreciate both. I have not believed that they could be seduced from their fidelity to the Confederate States, or their duties under their Constitution. I have not supposed that they could be betrayed into any desertion of the common cause. The unanimous voice of the Legislature of the State was not required to assure me of their truth and loyalty. It has but confirmed the opinion that the seeds of baleful jealousies, suspicions and irritations that have so industriously been scattered among them, have been wholly unproductive of the fruit anticipated.

It is to be hoped in the future that all the energy that has been thus employed will be diverted to the legitimate object of achieving the independence of the Confederate States, securing the peace and tranquility of the Confederacy, and promoting thereby the true greatness of Georgia.

Very respectfully, your obedient servant,

JAMES A. SEDDON,

*Secretary of War.*

[Inclosure.]

ADJUTANT AND INSPECTOR-GENERAL'S OFFICE,

RICHMOND, June 22, 1863.

GENERAL ORDERS,

No. 86.

Whereas, there have been a number of applications to this Department for authority to raise companies for



local defense and special service, and for instructions as to the method by which such organizations may be made and the privileges they may claim, the Department has adopted the following regulations on the subject:

I. Companies, battalions, and regiments composed of persons not within the age of conscription (eighteen and forty) will be accepted as volunteers throughout the Confederacy, under the act of August 21, 1861 (No. 229), for local defense and special service.

II. The organization of corps for local defense must conform to that prescribed for companies, battalions, and regiments of the Provisional Army. The minimum number for a company of infantry is sixty-four rank and file, and for cavalry, sixty. Battalions must consist of not less than five companies, and regiments of ten. Artillery is not desirable. Members of cavalry companies must furnish their own horses, but will receive 40 cents per day for their use while in actual service.

III. The muster-roll of all such organizations shall specify that the said organizations are raised under this act, and subject to these regulations, and contain a description of the volunteer as to age, residence, and date of enlistment, and the term of enlistment for the war.

IV. Such organizations will not be considered as in actual service, for the purpose of receiving pay or subsistence, except when called for by the President.

V. They will not be called for until a necessity arises for service. They shall not be required to go beyond the limits of the State to which they belong.

VI. They are expected to serve, when called out, only so long as the emergency exists, and then to return to their ordinary pursuits until again called.

VII. Arms and equipments, when not possessed by the members, will, to the extent necessary to supply, be furnished by the Confederate States.

VIII. Should any of them be captured, they shall be claimed as prisoners of war, and all the protection of the Government will be extended to them.

IX. Field officers of battalions and regiments to be organized will be appointed by the President, in accordance with the act aforesaid. Company officers may be elected by the companies, or appointed, as the members may consent.

X. That these organizations will be preferred to and exempt their members from any call of militia.

XI. The commandant of any military post of the Confederate States, the sheriff of any county, or the colonel commanding any militia regiment, or the judge or justice of any county or other court, may certify and return the muster-rolls, which must be sent to the Adjutant and Inspector-General's Office at Richmond for acceptance.

XII. In the event of a call by the President under the law of conscription, on all between the ages of forty and forty-five, those in said organizations subject to such call will be liable to discharge or transfer.

For the information and guidance of those desirous

of volunteering for local defense, the law of August 21, 1861, is hereto appended:

[See act, Inclosure No. 1, Seddon to Brown, June 6, 1863.]

By order:

S. COOPER,

*Adjutant and Inspector-General*

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HEADQUARTERS MILITARY DIVISION OF THE WEST,

CHARLESTON, S. C., December 21, 1864.

His Excellency JOSEPH E. BROWN,

*Governor of Georgia, Macon, Ga.:*

SIR: In the existing emergency I have deemed it best for the interest of the service to direct my chief quartermaster, Maj. E. Willis, to call upon the presidents of the Georgia and Central Railroads to urge them to use the iron from their branch roads to repair their main lines as soon as possible. In case of a failure of the presidents of these two roads to comply with the request, the emergency demands that impressment should be resorted to, and Major Willis has been instructed to act accordingly, that disaster which now threatens may be averted. I have the honor to respectfully solicit you to aid Major Willis all in your power to open communication as soon as possible, via West Point and Atlanta, to Augusta. Major Willis will be informed that the iron on the Camack branch is more

substantial and suitable than that of any other branch of the Georgia road and to proceed to remove it so as to repair the road from Augusta to Atlanta. Major Meriwether, engineer, has promised iron for the road between West Point and Atlanta. It is represented that at least ten miles of iron will be required both east and west of the latter place. My quartermaster will be further instructed to impress the necessary labor and to make ample preparations to ration and clothe the negroes and forage the animals. I would also request your aid in concentrating the labor now on the two roads, the Georgia and the Central, on the route between West Point and Augusta, via Atlanta, that provisions now so necessary may be pushed through.

I have the honor to be, sir,

Very respectfully, and truly, yours,

G. T. BEAUREGARD.

*General.*

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EXECUTIVE DEPARTMENT,

MACON, GA., Jan. 6, 1865.

HON. JAMES A. SEDDON,

*Secretary of War:*

SIR: It becomes my duty to notice your communication of 13th December, which reached me a few days since.

After citing the acts of Congress of 28th February and the 6th March, 1861, conferring power upon the

President to assume control of military operations in the States, and to call forth the militia, etc., you declare that Congress in passing these acts did not exceed its competency under the Constitution, and you then insist on a construction of these acts, which denies the right reserved by the States to keep troops in time of war, which confers upon the President the power to call upon one State for a class of her population which are not subject, under any law of Congress, to do military duty, and for which he makes no similar requisition upon any other State.

The acts which you quote are not properly susceptible of any such construction as you are obliged to place upon them to make them serve your purpose. If they were, there could be no doubt upon the mind of any lawyer who understands the rudiments of constitutional law, that Congress had no power or authority to pass them. No candid lawyer will insist, for a moment, that an act of Congress can take from the States the right which they have plainly reserved in the Constitution to *keep troops* in time of war, or that the President has any power or control over any troops which a State may so *keep*, or that he can justly or legally make a requisition for them, or that he has any legal or just grounds for complaint if a State refuses to turn them over to him if he should transcend his legal authority by making the requisition, nor will any lawyer insist that the President has any power to make requisition for militia which Congress has not made provisions for "*organizing*," or for men or boys not subject to militia duty under the laws of Congress. As these acts of Congress could confer upon the President no powers which are denied to him by the Constitution, and as his late requisition upon the

Executive of this State was in clear violation of her reserved rights under the Constitution, I am surprised that you should attempt to justify this usurpation of undelegated powers by a resort to Congressional action as directory to the President to violate the rights of the States.

In your former letter you declared that my refusal to fill this requisition of the President, was analogous in "all particulars" to the conduct of the Governors of Massachusetts and Connecticut in the last war with Great Britain, in refusing to fill the requisition made upon them by the President of the United States. In my answer I showed, too conclusively for reply, that the cases were not analogous in *any particular*. Without attempting to make good your assertion, or to controvert a single position in my argument, or to trace the *analogy* in a *single particular*, you again allude to the subject in your last letter by saying: "In stating the parallel case of the conduct of the refractory Governors of Massachusetts and Connecticut," etc. Now, no one knew better than yourself that the cases were in no degree *parallel*, and that you could neither trace the *parallel* lines nor point out the analogy.

To avoid a misstatement contained in your former letter that "the judicial tribunals determined adversely to the pretensions of these Governors," you say that you were aware that the former (the Governor of Massachusetts) had the support of the opinion of the Judges of that State and of the Legislatures of those States, etc., and that the authority of these support me in my position. Here again, you are as incorrect as I have shown you to be in almost every important statement

which has been made by you. There is nothing in the opinion of the Judges of the Supreme Court of Massachusetts sustaining the Governor of that State, which gives the slightest support to my position, or that has the least bearing upon the controversy between us. What were the points decided by that opinion of the Court? They were substantially the following:

1st. That when the President made a requisition upon the Governor of a State for the militia to repel threatened invasion, it was the right of the Governor to judge whether the emergency existed. He decided that it did not.

2d. That when the militia were called out under a requisition from the President, no Federal officer but the President *in person* had the right to command them. These were the positions of the Governor of Massachusetts, and the opinion of the Judges sustained them.

Neither of these questions has arisen in this discussion. I have not denied the existence of the exigency, but foresaw it and had the reserve militia in the field in the battle with the enemy months before the President seems to have seen it, at least months before he realized it to an extent to cause him to make the requisition.

I have not raised the question as to the right of a Confederate officer, other than the President *in person*, to command this militia so called out by me while in service. On the contrary, I had placed them under the command of a Confederate General long before the requisition was made. With these facts before you, a little reflection cannot fail to show you how much mistaken you are when you make the assertion that the decision

of the Judges of the Supreme Court of Massachusetts, or of the Legislature of those two States sustain my course or any position I have taken. As there is neither *analogy* nor *parallel* between the cases cited by you and my own case, no decision sustaining the Governors in those cases can either sustain or condemn my course upon an entirely different state of facts and circumstances.

But you say the judicial opinion of the Supreme Court of New York, and of the Supreme Court of the United States as rendered in the line of their duty, affords no such support. As you have not shown how the action of the Governors of Massachusetts and Connecticut, or the correctness of their position could have come judicially before the Supreme Court of New York, or the Supreme Court of the United States, and as you have not been able to cite any case in which the questions of the conduct of those Governors was ever before either of said Courts, I am left to suppose that you are, as I have shown you to be in so many instances, again unfortunate in your statement of facts, and that in attempting to sustain an erroneous statement in your other letter, you have added another to former mistakes.

As an excuse for dismissing the subject without further attempt to sustain your position, you remark that Major-General Cobb informs the Department that he has made a satisfactory adjustment of this difficulty. While there has been perfect harmony between General Cobb and myself in military matters from the commencement of Sherman's advance upon Atlanta, to the present time, as there has been between Generals Johnston, Hood, Beauregard and myself, there has been no adjustment



whatever between me and General Cobb of what you are pleased to term "this difficulty." I have neither by word nor act done anything to recognize the right of the President to make this requisition, or to admit the obligation of the Governor to fill it. I have stood in reference to General Cobb as I have towards you and the President upon the reserved rights of the State, and have refused to relinquish the control of the State over her reserved militia, while she determines to keep them, or to fill a requisition which the President had no right to make. I am happy to find that upon reflection you seem to see your error, and are prepared to accept this as a *satisfactory adjustment* of a controversy which you have unjustly provoked, and in which you can not sustain yourself upon any known principle of reason or law.

You devote a greater part of your letter to another attempt to justify your bad faith to the Georgia troops called out under the President's requisition of 6th June, 1863, and to prove contrary to the plain language of the requisition, that they were called for *during the war*. You complain of what you call my "garbled extracts," and you quote extensively from the requisition, but you are particularly careful to so "garble" your own extracts as not to quote that essential part of it twice stated in the letter, as I have already shown, that they were required for only *six months*. It was upon this requisition, with the two Acts of Congress, which you sent with it as the guide for my conduct, that I promised co-operation with you in the organization. The promise was redeemed both in letter and spirit, and your call for *eight* thousand men (not *five* thousand as you now erroneously state in your last letter) was met with more than double the number required, organized in strict accordance with

the plain language of the requisition and the Acts of Congress on that subject.

As candor and truth at least are expected of one occupying your position, it is painful to witness the shifts to which you resort to do injustice to my State, and to misrepresent the conduct of her Executive in a matter where he more than doubly filled your requisition.

I am now favored by you with a copy of a General Order issued by Adjutant-General Cooper, weeks after the requisition was made, which I do not recollect that I ever saw, till I received your letter, and you complain that I did not carry out your views as expressed in that order. I obey no *orders* from your Department; nor was this order furnished to me when you made the requisition, or during the organization of the troops with even a request that I conform to it. I was asked by you to organize the troops in accordance with your letter containing the requisition and the two Acts of Congress, of which you enclosed copies, for *six months'* service, with the pledges contained in your letter, to which I referred in my last letter, that they should only be called out for sudden emergencies, etc. This I did on my part and you refused to redeem the pledges made on your part. This is the whole case, and I here dismiss this part of the subject with my regrets that justice to myself and the large number of citizens of my State who suffered unnecessarily by your action, has made it a duty for me to expose your bad faith and the misstatements to which you have resorted to sustain an interpretation of your requisition which its plain language unquestionably precludes.

By the expression in your letter that: "It (the unani-

mous voice of the Legislature of this State) has but confirmed the opinion that the seeds of baleful jealousies, suspicions and irritation that have so industriously been scattered among them (the people) have been wholly unproductive of the fruits anticipated," I am left to conclude that in your disingenuous effort by insinuation to call in question my motives in *protesting* against the President's usurpations and abuses of power, you, as is your habit, base your assertion upon an assumption of facts which does not exist. The Legislature of this State at the late session passed no resolutions, and expressed no unanimous voice, upon any question connected with the conduct of the Administration of which you are a member, nor did they utter in its behalf any voice of approbation.

While the people of this State are true and loyal to our cause, they are not unmindful of the great principles of Constitutional Liberty and State Sovereignty upon which we entered into this struggle, and they will not hold guiltless those in power who, while charged with the guardianship of the liberties of the people, have subverted and trampled personal liberty under foot, and disregarded the rights of private property, and the judicial sanctions by which in all free governments, they are protected.

The course pursued by the Administration towards Georgia, in her late hour of extreme peril, has shown so conclusively, as to require no further argument or illustration, the wisdom of the reservation made by the States, in the Constitution, of the right to keep troops in time of war. Georgia has furnished over one hundred thousand of her gallant sons to the armies of the Confederacy

The great body of these men was organized into regiments and battalions of infantry and artillery, which have been sustained by recruits from home, from month to month, to the extent of our ability. Those who survive of these regiments and battalions have become veterans in the service, who, if permitted, would have returned to their State, and rendered Sherman's march across her territory and the escape of his army alike impossible. I asked that this be allowed, if assistance could not be otherwise afforded. It was denied us, and the State has been passed over by a large army of the enemy. Hundreds of miles of her railroads have for the present been rendered useless. A broad belt of her territory, nearly four hundred miles in length, has been devastated. Within this belt most of the public property, including several court houses with the public records, and a vast amount of private property, including many dwellings, gin houses, much cotton, etc., have been destroyed. The city of Atlanta, with several of the villages of the State, have been burnt; the Capital has been occupied and desecrated by the enemy, and Savannah, the seaport city of the State, is now in his possession. During the period of Sherman's march from Atlanta to Milledgeville, there were not one thousand men, of all the veteran infantry regiments and battalions of Georgians, now in Confederate service, upon the soil of this State. Nor did troops from other States fill their places.

Thus "abandoned to her fate" by the President, Georgia's best reliance was her reserve militia and State Line, whom she had organized and still *keeps*, as by the Constitution she has a right to do. Without them much more property must have been destroyed and the city of Macon, so important to the State and Confederacy,

must have shared the fate of Atlanta and Savannah, while Augusta, with the small Confederate force by which she was saved divided with Macon, must also have fallen.

These troops whom Georgia *keeps* have not only acted with distinguished gallantry upon many bloody battle-fields upon the soil of their own State, but they have, when an important service could be rendered by them, marched into the interior of other States. The noble conduct of the Troup County Militia in their march to Pollard, Alabama, to aid in the protection of the people and property of that State against the devastations of the enemy, and the heroic valor displayed by Major-General G. W. Smith and part of his command then with him at Honey Hill, in South Carolina, where he won—with the Georgia Militia, her State Line, and a small number of gallant Confederate troops most of whom were Georgians—one of the most signal victories of the war in proportion to the number engaged, fully attest the correctness of my assertion in their behalf.

In view of these facts, with the late bitter experience of the people of this State fresh in his recollection, the Georgia statesman must indeed be a blind worshipper of the President who would advocate the policy of turning over to his control, to be carried out of the State at his bidding, old men and boys not subject under the laws of Congress to military service, and of a class not required by him of any other State.

I can not close this communication without noticing certain expressions in your letter, which were not unfrequently used by persons in authority at Richmond, such as “refractory Governors,” “loyal States,” etc. Our people have become accustomed to these imperial utter-

ances from those who wield the central despotism at Washington, but such expressions are so utterly at variance with the principles upon which we entered into this contest in 1861, that it sounds harshly to our ears to have the officers of a Government, which is the agent or creature of the States, discussing the *loyalty* and *disloyalty* of the sovereign States to their central agent—the loyalty of the creator to the creature—which lives and moves and has its being only at the will of the States; and to hear their praise of the Governors of Sovereign States for their subserviency, or their denunciation of those not subservient as “refractory.” If our liberties are lost, the fatal result will not be properly chargeable to *disloyal States* or “refractory Governors” but it will grow out of the betrayal, by those high in Confederate authority, of the sacred principles of the Constitution, which they have sworn to defend.

Had some officials labored as successfully for the public good as they have assiduously to concentrate all power in the Confederate Government, and to place the liberty and property of every citizen of the Confederacy subject to the caprice and control of the President, the country would not have been doomed to witness so many sad reverses, nor would we now be burdened to support the vast horde of supernumerary officers and political favorites, who are quartered upon us to eat out our substance, while they avoid duty and danger in the field, having other little duty to perform, but to endorse, indiscriminately and publicly, by newspaper communications and otherwise, every act of the President, whether right or wrong; and to reconcile the people, by every means in their power, to the constant encroachments which are made upon their ancient usages, customs and liberties.

If all these favorites of power who are able for active duty, and whose support in the style in which they live, while around them is misery and want, costs the people millions of dollars, were sent to the field and compelled to do their part in battle, the President would have no reason to make illegal requisitions upon this State for her old men and boys, who are not subject to his control under any law, State or Confederate; but he would soon be able, by heavy re-enforcements, to fill the depleted ranks of the armies of the Confederacy. As the President is clothed with all the power necessary to compel these political favorites to shoulder arms and aid in driving back the invader, the subject is respectfully commended to your consideration as well worthy of energetic action.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

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RICHMOND, VA., January 15, 1865.

GOVERNOR J. E. BROWN,

Milledgeville, Ga.:

The present condition of affairs in Eastern Georgia requires that General Hardee should be promptly and largely re-enforced. His line on the Combahee is stronger for defense than any he can take in rear of it. I have sought and am seeking to aid him. Have no information from General Beauregard which enables me to judge of the time when he may be expected or of the force he can bring. Can you send men to assist General

Hardee to hold the enemy in check? If so, how many and how soon? We must look forward and leave discussions of the past to a more convenient season.

JEFF'N DAVIS.

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STATE OF NORTH CAROLINA,  
EXECUTIVE DEPARTMENT,  
RALEIGH, January 18, 1865.

GOVERNOR J. E. BROWN:

GOVERNOR: The present condition of affairs makes it proper that I should again seek communication with my brother Governors for the purpose of mutual counsel and assistance. The march of Sherman through Georgia, his threatened advance through South Carolina, and the recent disasters involved in the defeat of General Hood and the fall of the principal defensive work of Wilmington, have resuscitated the desire of a State convention for vague and indefinable purposes. I do not think, however, that a convention can be called in North Carolina unless your State should lead in the movement, and I see many indications of such an intention among your people. I suppose you are aware of my opinions in regard to the danger of such a movement. I expressed them to you by letter last spring, and had the happiness to receive your concurrence in my conclusions then. I regard it as simply another revolution, and by which we would incur, not only the danger attendant upon a disunited confederation, but also of domestic strife and bloodshed, for I have no idea that a severance of our



existing relations could possibly be so unanimously effected as to prevent a considerable minority, backed by the army, from inaugurating a state of anarchy more horrible than anything we have yet endured, or may expect to endure. Judging by my own people, I regard such a deplorable result as morally certain. It seems to me that the State governments, through their executives and legislatures, will have all the necessary moral weight, and can accomplish every desired object short of revolution, and that by calling a convention we can have no other object in view except revolution.

I frankly confess to you that I regard it our chief aim at this time to hold the demoralized and trembling fragments of society and law together and prevent them from dropping to pieces until the rapidly hastening end of our struggle shall be developed. To do this is not only humane, and in every respect our duty, but also puts off the evil day and keeps us in position to take advantage of any fortunate circumstances tending to redeem our losses, to inspire our people with hope, or even to secure better terms in case all should be lost. Besides, the tenor of my advices from Richmond of late is to the effect that President Davis is inclined to make earnest efforts for peace, on a basis as modest as I suppose you or I could willingly agree to. I am anxious, therefore, to see this, the legitimate and proper channel, fairly tried and thoroughly exhausted before we take matters in our own hands and inaugurate revolutionary measures. I earnestly hope, therefore, that Georgia will not set an example which I fear would be fatal to North Carolina. The latter was greatly influenced by the former in the beginning of this revolution, and the secession of the Empire State of Georgia, after mature deliberation, had more

influence in determining the fate of North Carolina than any other State in the confederation, except, perhaps, our grat northern neighbor, Virginia. Both these latter were exceedingly loath to quit the old Union and embark their sober and cautious people upon the bloody waves of war in the face of such tremendous odds. They hesitated no longer when our Southern sisters plunged in and cried for help. How they have helped, how they have bled and suffered, none will more cheerfully acknowledge than the people of Georgia, by the side of whose gallant sons their blood has been spilled and their sufferings endured. I appeal to you, then, governor, in all candor and honor, to ask if Georgia should not in this great matter show due deference to the opinions and wishes of her Northern sisters, who moved mainly out of sympathy for those who got first into trouble. I believe she will, hope she will, not only for the sake of the cause, but for the sake of humanity, and that our action to the last may be harmonious, cordial, sympathetic.

Please let me hear your opinions as soon as your convenience may serve, and believe me to be,

Very respectfully and sincerely, yours,

Z. B. VANCE.

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RICHMOND, VA., January 18, 1865.

GOVERNOR J. E. BROWN,

*Milledgeville, Ga.:*

Yours of 16th received. General Hardee telegraphed on the 8th instant that General Smith's force, then at

Augusta, numbered less than 1,500 muskets, and was rapidly diminishing. I realize the necessary delay in bringing out forces not heretofore organized, but the necessity, though immediate, is also continuing, and requires every available element of strength. There are said to be many absentees from the army. Can you aid in their arrest and restoration to the service in the field?

JEFFERSON DAVIS.

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MACON, January 23, 1865.

PRESIDENT DAVIS:

I have ordered out the reserve militia, over fifty years of age, who are at home, and the whole patrol force of the State, to arrest and send forward deserters and stragglers.

JOS. E. BROWN.

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MONTGOMERY, ALA., January 29, 1865.

JOSEPH E. BROWN,

*Governor of Georgia, Milledgeville, Ga.:*

General Beauregard desires that you will use the militia of your State and all other means to secure the return of all deserters and absentees to their commands. The militia can be used profitably on this duty.

GEO. WM. BRENT,

Colonel and Assistant Adjutant-General.

(Same to Charles Clark, Governor of Mississippi, Macon.)

AUGUSTA, February 5, 1865.

GOVERNOR JOSEPH E. BROWN,

*Macon, Ga.:*

The crisis is again upon your State. I earnestly call on Your Excellency to send at once to General Smith, for the defense of Augusta, all the forces you can possibly put in the field. Any man who returns to the army an absentee should be exempted.

G. T. BEAUREGARD.

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EXECUTIVE DEPARTMENT,

MACON, GA., February 6, 1865.

[GOVERNOR VANCE:]

GOVERNOR: Your letter of January 18 addressed to His Excellency Governor Brown has been received. The Governor left this morning for his place in Dooly and will not return for a week. I would forward your letter to him but the mail will not reach Vienna, his post-office, until Wednesday, on which day he proposes to start for Milledgeville. The General Assembly meets on Wednesday, the 15th instant, and his message to that body will embrace his views upon the question discussed in your letter.

I have the honor to be, Governor, very respectfully,  
your obedient servant,

WM. KIRKLAND,

*Colonel and Aide-de-Camp.*

EXECUTIVE DEPARTMENT,

MACON, GA., February 24, 1865.

GENERAL G. T. BEAUREGARD:

The great necessity for the services of the militia of this State for a time in the agricultural field, in connection with the fact that the State is, for the first time in some ten months, free from threatened advance of the enemy upon the interior, and the further fact that they are composed of a class of men not subject to Confederate service, induce me to withdraw them for a time from your command, that they may have a furlough till the State is again threatened by the enemy. When needed for the defense of this State, I hope to have them ready for the occasion, prepared to act with the same distinguished gallantry and patriotic devotion which has heretofore characterized their conduct upon the battle-field.

Very respectfully, your obedient servant,

JOS. E. BROWN.

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HEADQUARTERS MILITARY DISTRICT OF FLORIDA,

TALLAHASSEE, March 9, 1865.

HIS EXCELLENCY JOSEPH E. BROWN,

*Governor of Georgia, Macon, Ga.:*

SIR: Since I have been in command of this district the enemy has made two attempts to invade or raid upon this State. One, from Cedar Keys, nearly a month since,

was defeated February 13 and the enemy driven back with considerable loss. The other and more formidable was directed against this place a few days since. The enemy came in some fourteen vessels, most of them represented as transports, off Saint Mark's Light-House, landed, and drove back our troops to Newport and burned a part of the village. We burned the bridge. The enemy then moved up by way of the Natural Bridge over the Saint Mark's, where we met them about 4 o'clock on the morning of the 6th instant and, after an obstinate fight, drove them back in confusion, and with considerable loss, to their vessels. They re-embarked, and nearly all of the vessels have disappeared. Their leaving just at this time is probably attributable to the very unfavorable weather, though prisoners report the command badly cut up and demoralized. Though we have been successful so far in holding this part of the country, I apprehend that other and more formidable efforts will be made by the enemy to get possession of Saint Mark's and this place, and perhaps of Chattahoochee. I need not point out to you the importance it is to Georgia that their efforts in this direction should be defeated. I respectfully ask, therefore, what aid I may look for in an emergency from South Georgia? I would suggest that if there are any organized bodies of State Troops in that section of country it would be well to instruct the officers commanding to obey any orders and instructions they may receive from me. The delay in first communicating with you in such an emergency may be exceedingly detrimental. If you think proper to give such instructions as I have suggested, I will endeavor so to avail myself of them as to protect the country and the interest of our

cause with the least possible inconvenience to the militia and detriment to the agricultural interest.

I am, very respectfully, &c.,

SAM JONES,  
*Major-General.*

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MACON, March 13, 1865.

GOVERNOR JOSEPH E. BROWN :

Detailed agriculturists are now ordered into Confederate service in the field. Will those whom you called and who went into the militia be compelled to report for duty in Confederate service, or will you claim them still in the militia? Answer immediately by telegraph.

T. R. STEWART.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., March 13, 1865.

All persons belonging to Major-General Smith's division are in the actual military service of the State. No one of them, whether detailed agriculturists or not, will obey any order from a Confederate officer, unless so directed by General Smith, when he is under orders from me to report to a Confederate general. The State took the detailed agriculturists into her military service at a time when, according to the decision of the supreme court, they were not in the military service of the Confederacy,

and the Confederate officers can take no control over them without the consent of the State till they are disbanded by the State. They are now only on furlough.

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GA., March 27, 1865.

MAJ. GEN. SAM JONES,

*Commanding, Etc., Tallahassee, Fla.:*

GENERAL: I have seen the correspondence between yourself and Governor Milton on the subject of cleaning out Moccasin Slough with a view of permitting boats belonging to this State engaged in running the blockade to pass out of the river, and I regret the conclusion to which you seem to arrive. Since the blockade has been made so stringent, it will be with great difficulty that the Confederate Government and the States combined can import the supplies absolutely necessary to keep our armies in the field. The Legislature of this State has made an appropriation of money for the purpose, and made it my duty to export cotton and import supplies, for the use of the Georgia troops in Confederate service, such as clothes, shoes, &c. I now have two river boats with which I can carry cotton to the coast of Florida, and I hope soon to have control of an ocean steamer which would meet the boats at some obscure inlet and receive the cotton. I think I have fair prospects of success. In this State of things I must ask that will throw no obstacles in my way, and I shall be ready to aid you all in my



power to defend against any force that the enemy may throw upon the coast on account of the attempt to run the blockade. In response to your request I have ordered the militia of Southern Georgia to report to you on your call. General Wayne will forward the order to you and so notify those who command the militia of that section of Georgia.

Hoping you may be able to afford me such aid as I need for the purposes above mentioned while the militia of a large section of Georgia stands subject to your orders, I am, general, very respectfully, your obedient servant,

JOSEPH E. BROWN,

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, April 7, 1865.

[CONFIDENTIAL]

MAJ. GEN. SAMUEL JONES:

GENERAL: I agree with you fully in opinion on the blockade question, and inform you in this confidential manner that the cotton is to be carried down by the State on her steamers and sold to persons who have authority from the United States Government to purchase, and sell us in exchange necessities which we cannot do without. It is also the policy in this way to accumulate some funds abroad to pay for soldiers' clothing, &c. I have the authority of the Legislature of my State for this. Members of Congress tell me that a late act of Congress gives the same authority, and the President has directed General Cobb to grant permits, if necessary, on my certifi-

cate. I am glad you take what I consider the true view of this question, and will be much obliged by any aid you may afford me.

The portion of your letters which relate to militia will be re-forwarded to Adjutant-General Wayne for reply.

I am, general, very truly, &c.,

JOSEPH E. BROWN.

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EXECUTIVE DEPARTMENT,  
MILLEDGEVILLE, GA., April 15, 1865.

MAJOR-GENERAL SMITH:

The movements of the enemy in Central Alabama indicate an intention on their part to make an early movement upon Columbus and other points in Georgia. To enable us to meet this successfully, it will require the united efforts of all who are able to bear arms, whether they belong to the State or Confederate service. You are, therefore, hereby directed to order out the militia of the State, subject to your command, to rendezvous at Columbus, as fast as possible. All who are subject to your command under your former orders from these headquarters are embraced in this call, and all subject to militia duty under fifty years of age who fail to respond will be turned over to Confederate service. I regret exceedingly to have to require them to leave their crops at this important period, but the movement of the enemy leaves no other alternative.

JOSEPH E. BROWN.

HDQRS. FIRST DIV., GEORGIA MILITIA,

MACON, GA., April 15, 1865.

GENERAL ORDERS,

No. 1.

1. In obedience to the above directions from the Governor and commander-in-chief, the militia of the State of Georgia, except those between fifty and sixty years of age, are hereby ordered to rendezvous, without delay, at Columbus.

2. The publication of these orders will be considered sufficient notice to all subject to militia duty in this command. Officers and men will observe that not only those under fifty years of age, who have previously reported, but all others subject to militia duty are embraced in this call, and all must report accordingly or be dealt with as deserters.

3. Captains of companies will send their men forward immediately, and will themselves be allowed three days, if necessary, to gather and send to Columbus all who fail to start. General, field and staff officers and detachments will report at the rendezvous immediately. Captain Pruden's battery of artillery is included in this call.

4. No excuse will be accepted from those who carried their arms home with them in case they fail to bring them back. All are enjoined not only to obey this order promptly, but they are authorized and directed to bring out all who owe service in the militia, and all public arms not in public use in their respective districts must be brought to the rendezvous.

5. The militia between fifty and sixty years of age in each county are required to hold themselves in readiness to respond at a moment's notice to future orders of the Governor calling them into active service.

G. W. SMITH,  
*Major-General.*

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HEADQUARTERS U. S. FORCES,  
MACON, GA., April 28, 1865.

GOVERNOR J. E. BROWN,

Augusta, Ga.:

I desire to open the railroad from Dalton to Atlanta. Please appoint a place at which I can confer with you in regard to it or designate some one to act for you.

J. H. WILSON,  
*Brevet Major-General.*

---

AUGUSTA, April 28, 1865.

BVT. MAJ.-GEN. J. H. WILSON,

*Commanding U. S. Forces, Macon, Ga.:*

I will be glad to have an interview with you on the subject referred to. Will try to meet you at Macon next Thursday or Friday. In the meantime, I will direct the

superintendent of the railroad at Atlanta to give you any aid in his power to facilitate the work.

JOSEPH E. BROWN.

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HEADQUARTERS CAVALRY CORPS,  
MIL. DIV. OF THE MISSISSIPPI,  
MACON, GA., May 3, 1865.

JOSEPH E. BROWN,

*Commander-in-Chief of the Georgia Militia,*

Milledgeville:

SIR: In accordance with the terms of the convention between General Sherman and General Johnston, C. S. Army, similar in all respects to that between General Grant and General Lee, I have the honor to request that you will take the necessary steps to surrender the troops under your command, with all the arms and military stores pertaining thereto. The terms of the convention are as follows:

First. Bvt. Maj.-Gen. J. H. Wilson, U. S. Army, or such officer as he may appoint, is designated to receive the surrender.

Second. Rolls of all the officers and men to be made in duplicate, one copy to be given to an officer designated by General Wilson, the other to be retained by such Confederate officer as may be designated by the Confederate commander at the time of the surrender.

Third. The officers to give their individual paroles

not to take up arms against the United States Government until properly exchanged, and each company, battalion, or regimental commander to sign a like parole for the men under his command.

Fourth. All arms and public property to be stored and packed and turned over to an officer to be named by Brevet Major-General Wilson to receive them. This will not embrace the side-arm of the officers nor their private horses or baggage.

Fifth. This done, each officer and man will be allowed to return to his home, not to be disturbed by the military authorities of the United States, so long as they preserve their parole and obey the laws which were in force previous to January 1, 1861, where they reside.

For the purpose of arranging the details, I will meet you on your arrival at this place Thursday afternoon.

I am, sir, very respectfully, your obedient servant,

J. H. WILSON,

*Brevet Major-General.*

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MILLEDGEVILLE, May 4, 1865.

MAJOR-GENERAL WILSON, *U. S. Army,*

Macon, Ga.:

The Governor is here, and will be in Macon to-morrow (Friday) afternoon by 5, and will be pleased to meet you. I remain here to-day. Everything is quiet now.

HENRY C. WAYNE,

*Major-General.*

MILLEDGEVILLE, May 5, 1865.

GENERAL WILSON, Macon:

The Governor has left on the train for Macon. He will be there at 5 P. M. Will you say to Scott that I cannot come over.

HENRY C. WAYNE,  
*Major-General.*

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MACON, May 6, 1865—1:30 p. m.

GENERAL J. M. SCHOFIELD:

Without my knowledge or consent, Governor Brown has issued a call for a meeting of the Georgia Legislature for the 22d instant. I don't think it proper for either Governor Brown or his Legislature to exercise any control or influence in shaping opinion or policy in the re-establishment of Georgia with the Union. I shall therefore not allow the Legislature to meet, unless directed to do so by the Government at Washington. I see no necessity for conventions at best, and certainly not when controlled by prominent secessionists. Please forward this dispatch to proper authority for orders in the case.

J. H. WILSON,  
*Brevet Major-General.*

MACON, GA., May 6, 1865.

HIS EXCELLENCY ANDREW JOHNSON,

*President:*

The complete collapse in the currency and the great destitution of provisions among the poor makes it absolutely necessary that the Legislature meet to supply this deficiency, and with a view to the restoration of peace and order by accepting the result which the fortunes of war have imposed upon us, I have called the Legislature to meet 22d instant. General Wilson informs me that he cannot permit the assemblage without instructions from the Government at Washington. Does he reflect the views of the Government, or will you order that no force be used to prevent the meeting of the Legislature?

JOS. E. BROWN,

*Governor of Georgia.*

[Indorsement.]

Approved, and will be sent.

J. H. WILSON,

*Brevet Major-General.*



WAR DEPARTMENT,

WASHINGTON CITY,

May 7, 1865—6 p. m.

BVT. MAJ.-GEN. J. H. WILSON,

*Commanding, Etc., Macon, Ga.:*

The telegraphic communication of this day's date,\* forwarded with your sanction from Macon by Joseph E. Brown to the President of the United States, has been considered by him, and he directs that you give to Mr. Brown the following answer, to-wit: First, That the collapse in the currency and the great destitution of provisions among the poor of the State of Georgia mentioned in his telegram have been caused by the treason, insurrection and rebellion against the authority, Constitution and laws of the United States, incited and carried on for the last four years by Mr. Brown and his confederate rebels and traitors, who are responsible for all the want and destitution now existing in that State. Second. What Mr. Brown calls the result which the fortunes of war have imposed upon the people of Georgia and all the misery, loss and woe they have suffered are chargeable upon Mr. Brown and his confederate rebels, who usurped the authority of the State and, assuming to act as its Governor and Legislature, waged treasonable war against the United States, and by means of that usurped authority protracted the war to the last extremity, until compelled by superior force to lay down their arms and accept the result which the fortunes of war have imposed upon the people of Georgia as the

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\*See Brown to Johnson, May 6, 1865.

just penalty of the crimes of treason and rebellion. Third. That the restoration of peace and order cannot be intrusted to rebels and traitors who destroyed the peace and trampled down the order that had existed more than half a century and made Georgia a great and prosperous State. The persons who incited this war and carried it on at so great a sacrifice to the people of Georgia and the people of all the United States, will not be allowed to assemble at the call of their accomplice to act again as a Legislature of the State and usurp its authority and franchises. Men whose crimes have spilled so much blood of their fellow-citizens, impoverished the people of Georgia, destroyed the finances, currency and credit of the State, and reduced the poor to destitution, will not be allowed to usurp legislative powers that might be employed to set on foot fresh acts of treason and rebellion. In calling them together without permission of the President, Mr. Brown perpetrated a fresh crime that will be dealt with accordingly. Fourth. You will further inform Mr. Brown that the President of the United States will, without delay, exert all the lawful powers of his office to relieve the people of Georgia from destitution by delivering them from the bondage of military tyranny which armed rebels and traitors have so long imposed alike upon poor and rich. The President hopes that by restoring peace and order, giving security to life, liberty and property, by encouraging trade, arts, manufactures, and every species of industry, so as to revive the financial credit of the State and develop its great resources, the people will again soon be able to rejoice under the Constitution and laws of the United States and of their own State in the

prosperity and happiness they once had, but were deprived of by the treason and rebellion now overthrown. To all private persons and good people who return to their allegiance to the United States and devote themselves to peaceful pursuits, liberal clemency will be exercised. You will communicate the foregoing answer to Mr. Brown, and take prompt measures to prevent any assemblage of rebels as a Legislature or under any other pretext within your command. If any person shall presume to answer or acknowledge the call of Mr. Brown, mentioned in his telegram to the President, you will immediately arrest and imprison them, and report to this Department for further instructions.

By order of the President:

EDWIN M. STANTON,  
*Secretary of War.*

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WAR DEPARTMENT,  
WASHINGTON CITY,  
May 7, 1865—7 p. m.

BVT. MAJ.-GEN. J. H. WILSON,

*Commanding, Etc., Macon, Ga.:*

The President directs that you immediately arrest Joseph E. Brown, who pretends to act as Governor of Georgia, and send him in close custody under sufficient and secure guard to Major-General Augur, at Washington, and allow him to hold no communication, verbal or written, with any person but the officer having him in

charge after the receipt of this order. You will acknowledge by telegraph the hour at which you received this order and report your action.

By order of the President of the United States:

EDWIN M. STANTON,

*Secretary of War.*

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MACON, GA., May 9, 1865—4:20 p. m.

HON. E. M. STANTON,

Washington, D. C.:

Your telegram of 8 a. m. [7 p. m.] May 7, directing the arrest of Joseph E. Brown, was received at 3:40 p. m. to-day. Captain Kneeland, of my staff, is ordered to proceed at once by special train to Milledgeville to make the arrest and seize his papers. In the capitulation of the Georgia militia, Brown, as commander-in-chief, was yesterday paroled, but his parole in no way acknowledges him as Governor.

J. H. WILSON,

*Brevet Major-General.*

HEADQUARTERS,  
DEPARTMENT OF THE CUMBERLAND,  
NASHVILLE, TENN.,

May 9, 1865—6 p. m.

BVT. MAJ.-GEN. J. H. WILSON,

You are right not to permit the Legislature of Georgia to assemble under the call of Governor Brown. The President will doubtless soon indicate what steps may be taken by the people to place the State of Georgia in a proper relation with loyal States. In the meantime I wish you to encourage the people in their efforts to re-establish civil law in their respective counties in accordance with the Georgia code in force prior to January, 1861, except that in all matters the negro must be regarded as a free man.

GEO. H. THOMAS,  
*Major-General.*

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SPECIAL ORDERS

No. 73.

HEADQUARTERS CAVALRY CORPS,  
MILITARY DIVISION OF THE MISSISSIPPI,  
MACON, GA., May 9, 1865.

. . . . .  
II. In pursuance of instructions received from the Secretary of War, dated May 7, 1865, 8 a. m., Capt. G.

H. Kneeland will proceed without delay to arrest Joseph E. Brown, who pretends to act as Governor of Georgia. When the arrest is made he will be kept under a close guard, and will not be allowed to hold communication, verbal or written, with any person except the officer having him in charge.

By command of Brevet Major-General Wilson:

E. B. BEAUMONT,

*Major and Assistant Adjutant-General.*

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HEADQUARTERS CAVALRY CORPS,

MILITARY DIV. OF THE MISSISSIPPI,

MACON, GA., May 9, 1865.

JOSEPH E. BROWN,

Milledgeville, Ga.:

SIR: In pursuance of instructions received this day from Hon. E. M. Stanton, Secretary of War, I have the honor to inform you that your telegram of the 7th instant, forwarded by my sanction, has been laid before the President of the United States, and the following is his reply and orders.\*

First. That the collapse in the currency and the great destitution among the people of Georgia mentioned in your telegram have been caused by rebellion, treason and insurrection against the laws of the United States, incited and carried on for the last four years by you

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\*For version as sent by Stanton see May 7, 1865.

and your confederate rebels and traitors, who alone are responsible for the waste, destitution and want now existing in that State.

Second. That what you call the result which the fortunes of war have imposed upon the people of Georgia, and all the loss and woe they have suffered, are charged upon you and your confederate rebels, who have usurped the authority of the State and assumed to act as its Governor and Legislature, made acts treasonable to the United States, and by means of that usurped authority provoked the war to extremity, until compelled by superior numbers to lay down their arms and accept the result which the fortunes of war have imposed upon the people of Georgia as the just penalty of the crimes of treason and rebellion.

Third. That the restoration of peace and order cannot be intrusted to rebels and traitors who destroyed the peace and tramped down the order which had existed more than half a century in Georgia, a great and prosperous State. The persons who incited the war and carried it on at so great a sacrifice to the people of Georgia, and to all the United States, will not be allowed to assemble at the call of their accomplice to act again as the Legislature of the State, and again usurp its authorities and franchises. Men whose crimes have spilled so much blood of their fellow-citizens, impressed so much woe upon the people, destroyed the finances, currency and credit of the State, and reduced the poor to destitution, will not be allowed to usurp legislative power that might be intended to set on foot fresh acts of treason and rebellion. In calling them together without the permission of the President you

have perpetrated a fresh crime that will be dealt with accordingly. I am further directed to inform you that the President of the United States will without delay exert all the lawful powers of his office to relieve the people of Georgia from destitution by delivering them from the bondage of rebel tyranny, which avowed rebels and traitors have imposed alike upon poor and sick.

The President hopes that by restoring peace and order, giving security to life, liberty and property, by encouraging trade, arts, manufactures, and every species of industry to revive the financial credit of the State and to develop its great resources. The people will again soon be able to rejoice under the Constitution and laws of the United States and of their own State in the prosperity and happiness they once had. To all good people who return to their allegiance, liberality will be exercised.

If any person shall presume to answer or acknowledge the call mentioned in your telegram to the President, I am directed to cause his immediate arrest and imprisonment, and hold him subject to the orders of the War Department.

I am, sir, very respectfully, your obedient servant,

J. H. WILSON,  
*Brevet Major-General.*



HEADQUARTERS,  
DEPARTMENT OF THE CUMBERLAND,  
NASHVILLE, TENN., May 10, 1865.

(Received 11:50 p. m.)

PRESIDENT UNITED STATES:

The following dispatch just received through military channels from Atlanta, 7th, by telegraph from Macon, 7th.\*

Forwarded to Dalton by General Wilson.

GEO. H. THOMAS,  
*Major-General.*

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WASHINGTON, May 19, 1865.

HON. E. M. STANTON,  
*Secretary of War:*

The inclosed makes it appear that Brown of Georgia, surrendered the militia of that State and himself as commander-in-chief thereof to General Wilson and was paroled.\* If the call for the meeting of the Georgia Legislature was subsequent to his parole, I suppose there can be no doubt but that he stands liable to ar-

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\*See Brown to President Johnson, May 6, 1865.

\*The inclosure referred to is probably Wilson to Stanton, May 9, 1865,  
4:20 p. m.

rest for violation of his parole. Otherwise, is it not obligatory upon the Government to observe their part of the contract? I would not advise authorizing him to go back to Georgia now under any circumstances, but I do not think a paroled officer is subject to arrest so long as he observes his parole without giving him notice first that he is absolved from further observance of it.

U. S. GRANT,  
*Lieutenant-General.*

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WAR DEPARTMENT,  
WASHINGTON CITY,  
May 20, 1865.

LIEUT.-GEN. U. S. GRANT,

*Commanding Armies of the United States:*

GENERAL: On referring to General Wilson's dispatch of May 6, in relation to the action of Governor Brown, I find it as follows:\*

On the 7th of May General Wilson was instructed to arrest Governor Brown and send him to Washington for the act specified in the above-named telegram. I will refer the question as to how far the parole operates to the Attorney-General. It seems to me that his political actions, in assuming the functions of Governor, are not covered by his military parole as commander-in-chief of the State militia.

Your obedient servant,

EDWIN M. STANTON,  
*Secretary of War.*

\*[Inclosure.]

MACON, GA., May 6, 1865—2 p. m.

(Received 1 p. m. 7th.)

HON. EDWIN M. STANTON,  
Washington, D. C.:

Without my knowledge or consent Governor Brown has issued a call for a meeting of the Georgia Legislature on the 22d. I do not think it proper for either Governor Brown or his Legislature to exercise any influence or control, directly or indirectly, in shaping policy or opinion in regard to the re-establishment of the relations of Georgia with the Union. I shall therefore not allow the Legislature to meet, unless directed to do so by the Government at Washington. I can see no necessity for conventions and public meetings in such times as these—certainly none when controlled by prominent secessionists. Please send me instructions in the case.

. . . . .

J. H. WILSON,  
*Brevet Major-General.*

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WASHINGTON, D. C., June 3, 1865.

MRS. GOVERNOR JOSEPH E. BROWN,  
Milledgeville, Ga.:

Released on parole. Home, I hope, by New York and Savannah, by 20th instant.

JOSEPH E. BROWN,

[Indorsement.]

The above telegram is approved.

ANDREW JOHNSON.

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MACON, July 2, 1865.

MAJ.-GEN. GEORGE H. THOMAS,

Nashville, Tenn.:

Joseph E. Brown has returned from Washington and issued an address to the people of Georgia resigning his office of Governor, and counseling them what course to follow. Unless he has done this by direction and permission of the President, I think he should be arrested and removed to a Northern prison. I will forward to General Steedman a copy of his address\* and his parole.

J. H. WILSON,

*Brevet Major-General.*

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ATLANTA, GA., July 21, 1865.

(Received 2:20 p. m. 22d.)

His Excellency ANDREW JOHNSON,

*President of the United States:*

No opportunity is offered the people of many of the counties of the State to take the amnesty oath. The

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\*See Vol. II, Confederate Records of Georgia.

backwoods counties, whose people are most loyal and would send delegates on your line of policy, are neglected. Please order a person with competent authority into each county in the State to administer it. If this is done soon there will be no difficulty in the convention. Hope you have received my letters by express. No mail to Milledgeville. Answer to Atlanta. On my way to Cherokee for a few days. Where is Senator Patterson?

JOSEPH E. BROWN.

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EXECUTIVE OFFICE,

WASHINGTON, D. C.,

July 24, 1865.

JOSEPH E. BROWN,

Atlanta, Ga.:

The Governor of the State ought to proceed at once to appoint persons to administer the amnesty oath. The oath can be administered by any military or civil officer who is loyal to the Government of the United States. I am gratified to know that the people of Georgia are acting so promptly in restoring civil authority, and hope it will be a complete success. The letters referred to by you sent by express have not been received. Judge Patterson is somewhere in Tennessee; will be here soon.

ANDREW JOHNSON,

*President of the United States.*



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